

Deposition of Brenda Roe - Taken March 26, 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

W.A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiffs,)

vs.)

4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al.,)

Defendants.)

DEPOSITION OF BRENDA ROE

Taken at the Bassett Law Firm, 221 North
College, Fayetteville, Arkansas 72701, on February 26,
2007, at 2:05 p.m.

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1 MS. MANN: Richard, before we get started, I
 2 just want to get on the record some of the discussions I
 3 think you may have had with Therese Hill prior to that,
 4 and that is, we're producing Miss Roe in response to the
 5 record custodian notice that you served, but Cargill, Inc.
 6 and now Cargill Turkey Production, LLC, do not have just
 7 one custodian of records that would be able to respond to
 8 your notice, so we're producing Miss Roe, as I think Miss
 9 Hill may have informed you, to talk primarily about files
 10 that we refer to as being sort of centrally located. In
 11 other words, not necessarily individual files --
 12 individual files kept by individual employees, but that
 13 there may be other custodian of records out there who will
 14 need to address some other questions that you may have.

15 MR. GARREN: Given that understanding, then,
 16 of the qualification of this witness, of course, we
 17 reserve the right and would require those other custodians
 18 to be presented for purposes of completing our deposition.

19 MS. MANN: I understand.

20 MS. HILL: And just to clarify, the
 21 correspondence that I was referring to are mostly
 22 centrally located files in Springdale, to make it clear
 23 about where we are today with Miss Roe, but we will
 24 certainly, you know, work with you to produce any others.

25 MR. GARREN: Okay.

1 INDEX	
2 TESTIMONY BY BRENDA ROE	Page
3 Examination by Mr. Garren -----	5
4	
5 EXHIBITS	
6 Exhibit	Marked
7 1 (State of Oklahoma's July 10, 2006 Set Of	
8 Requests for Production to Cargill, Inc.) -----	8
9	
10 2 (Cargill Turkey Production, LLC's Response to	
11 State of Oklahoma's July 10, 2006 Set of	
12 Requests for Production to Cargill Turkey	
13 Production, LLC) -----	101
14 3 (Cargill, Inc.'s Response to State of Oklahoma's	
15 July 10, 2006 Set of Requests for Production to	
16 Cargill, Inc.) -----	102
17	
18	
19	
20	
21	
22	
23	
24	
25	

1 BRENDA ROE, having been called upon to testify
 2 in the form of a deposition and having been duly sworn,
 3 testified as follows, to wit:

4 EXAMINATION

5 BY MR. GARREN:

6 Q. Okay. Now, if you'll please state your name for the
 7 court.

8 A. Brenda Roe.

9 Q. All right. Have you ever given a deposition before,
 10 Miss Roe?

11 A. No.

12 Q. All right. For purposes of this deposition, you
 13 understand that I will be asking you questions and you'll
 14 be required to answer those questions to the best of your
 15 ability. Do you understand that?

16 A. Yes.

17 Q. All right. I'm going to ask you also to verbalize
 18 every response including yes or noes, and do not nod your
 19 head or shake your head or say, "uh-huh" or "uh-uh." Can
 20 I have your assurance that you will do that for me?

21 A. Yes.

22 Q. Okay. And I from time to time will try to remember
 23 and remind you if you don't respond that way so we get a
 24 correct and accurate record. If you don't understand any
 25 question that I ask, please ask me to rephrase it. I'll

Deposition of Brenda Roe - Taken March 26, 2007

Page 6

1 attempt to do so so that you understand it so that we then
 2 will have a meeting of the minds and your responses will
 3 be, in fact, responsive to my questions. Okay?
 4 A. Okay.
 5 Q. All right. What did you do to prepare for your
 6 deposition today?
 7 A. I met -- met with these two this morning.
 8 Q. Okay. And is that the only thing you've done is
 9 meet with the two attorneys that are present here today?
 10 A. I watched a video.
 11 Q. And what video did you watch?
 12 A. The name of it was, like, Preparing For a Business
 13 Deposition, I believe is the name of it.
 14 Q. Okay. And when did you watch it?
 15 A. Last night.
 16 Q. All right. And was it furnished by one of the
 17 attorneys to you?
 18 A. It was furnished by Quynh Sperrazza of Faegre &
 19 Benson.
 20 Q. I'm sorry, who?
 21 A. Quynh Sperrazza.
 22 Q. And who is Quynh Sperrazza?
 23 A. She works for Faegre & Benson.
 24 Q. And that's a law firm?
 25 A. Yes.

Page 7

1 Q. And where is that law firm located?
 2 A. I think she is in Minneapolis.
 3 Q. All right. Did you talk to her also in preparation
 4 for this deposition?
 5 A. I talked to her briefly on the phone. She was
 6 sending the video. That's it.
 7 Q. Okay. How long did that video last?
 8 A. Half hour.
 9 Q. Okay. Did you do anything else to prepare for this
 10 deposition today besides the two things you, basically,
 11 described?
 12 A. There was a call setting up this meeting today.
 13 Q. Okay. And was that call -- were substantive
 14 discussions conducted regarding the responses or material
 15 you're supposed to talk about?
 16 MS. MANN: Caution the witness to answer the
 17 question without reflecting any substance of the
 18 conversations. Please answer.
 19 THE WITNESS: Okay. Repeat the question
 20 again.
 21 Q. (Mr. Garren continued.) Was the subject of that
 22 conversation about what were are going to do to testify
 23 today or was it about the materials you are to testify
 24 about?
 25 A. It was general -- a general of what it was -- what

Page 8

1 do I want to say? Generally, of -- that I was going to
 2 give a deposition about the records that we kept on site.
 3 Q. All right.
 4 A. Or in Springdale.
 5 Q. Did you review any records in preparation for this
 6 deposition?
 7 A. No.
 8 Q. Did you review any pleadings?
 9 A. Any what?
 10 Q. Pleadings in this case.
 11 A. What do you mean by "pleadings"?
 12 Q. A document such as -- let me hand you what's been
 13 marked Deposition Exhibit No. 1.
 14 (Wherein, Exhibit 1 was marked.)
 15 A. Okay.
 16 Q. That's a pleading in the sense that it's a request
 17 for production of documents.
 18 A. Uh-huh.
 19 Q. Have you, in fact, seen that document before?
 20 A. I have seen it.
 21 Q. Okay. And have you read the entire document?
 22 A. No.
 23 Q. And do you know what parts of it you didn't read?
 24 A. None of it.
 25 Q. I'm sorry. Let me start over. Did you read this

Page 9

1 entire document?
 2 A. No.
 3 Q. All right. What parts did you not read?
 4 A. I didn't read any of it.
 5 Q. Okay. So you never read any part of it at all?
 6 A. No. I've just seen it.
 7 Q. You've only seen it. When did you see it?
 8 A. This morning.
 9 Q. That's the first time you've seen this document?
 10 A. Yes.
 11 Q. All right. All right. We'll get back to that in
 12 just a minute, but let me ask you some additional
 13 questions.
 14 Did you talk to anyone else that you haven't already
 15 identified in preparation for your deposition?
 16 A. My husband watched the video with me last night,
 17 but, no, not...
 18 Q. Okay. Did you look at any documents in preparation
 19 for this deposition?
 20 A. No.
 21 Q. Okay.
 22 MS. MANN: I think what he wants to know,
 23 did you look at any documents when we were meeting earlier
 24 this morning.
 25 THE WITNESS: Oh.

3 (Pages 6 to 9)

1 Q. (Mr. Garren continued.) At any time --
 2 A. At any time.
 3 Q. -- in preparation for this deposition, did you look
 4 at documents --
 5 A. Just the documents they showed me this morning.
 6 Q. Okay. And what kind of documents were you looking
 7 at?
 8 A. Different documents that they had -- they said they
 9 had provided to the State, to you guys.
 10 Q. Okay. And do you remember whether it had Bates
 11 numbers on them?
 12 A. I do not remember.
 13 Q. Do you know how many documents it was that you
 14 looked at?
 15 A. Approximately five -- I mean five to ten. No, I do
 16 not.
 17 Q. Okay. Did any of those documents look familiar to
 18 you?
 19 A. Yes.
 20 Q. What kind -- what documents were familiar to you?
 21 A. Ones that we produced out of our office.
 22 Q. Okay. And were you responsible for producing those
 23 documents?
 24 A. Not directly.
 25 Q. Okay. I'll get in that just a second. Let's talk a

1 A. In 1989.
 2 Q. '89. All right. What college did you have attend?
 3 A. After that, I went to Barton County Community
 4 College.
 5 Q. And did you receive an associate degree there?
 6 A. Yes, I did.
 7 Q. In what? What subject?
 8 A. Just general business.
 9 Q. All right. And where did you go from Barton County?
 10 A. Emporia State.
 11 Q. I'm sorry, say again.
 12 A. Emporia State University.
 13 Q. All right.
 14 A. In Emporia, Kansas.
 15 Q. And did you obtain a degree there?
 16 A. My bachelors.
 17 Q. And what was the bachelors in?
 18 A. In business administration, majoring in accounting.
 19 And I got the minor in computer information systems.
 20 Q. MIS?
 21 A. Yeah.
 22 Q. All right. And when did you get your bachelors
 23 degree?
 24 A. It would have been four years later from when I
 25 graduated.

1 little bit about your background.
 2 A. Okay.
 3 Q. First off, do you understand who you're testifying
 4 for today?
 5 A. I assume Cargill.
 6 Q. Okay. And is it just Cargill, Inc. or Cargill
 7 Turkey Production also?
 8 A. Both.
 9 Q. Both of them. All right. Do you understand, then,
 10 that we're asking for the knowledge of what that company
 11 has, and you need to tell me if for some reason your
 12 knowledge is limited? All right?
 13 A. Okay.
 14 Q. Background questions starting with high school.
 15 What education do you have?
 16 A. High school. Springhill High School diploma.
 17 Q. Okay. Any other besides that?
 18 A. As far as high school?
 19 Q. Well, you graduated from high school. Correct?
 20 A. Yes.
 21 Q. All right. Did you have any -- any college or post
 22 high school education?
 23 A. Yes. I have all the way to my masters.
 24 Q. Okay. Tell me what college and when you -- when'd
 25 you graduate from high school?

1 Q. So '93, approximately?
 2 A. Yeah.
 3 Q. And you say you obtained a masters?
 4 A. Uh-huh.
 5 Q. Where was that?
 6 A. Webster University.
 7 Q. Webster?
 8 A. Webster University.
 9 Q. Where is that located?
 10 A. I got the one in Fayetteville. The main campus is
 11 in St. Louis.
 12 Q. And what was your masters degree in?
 13 A. Business administration.
 14 Q. And what year did you complete your masters work?
 15 A. Approximately two years ago. I don't -- I don't
 16 recall the date. It's just been recent.
 17 Q. So approximately 2004 or '5?
 18 A. Yeah. Probably.
 19 Q. Did you work at any time during your college,
 20 including community college career at any place? Did you
 21 work in addition to going to school?
 22 A. For my masters I did, yes.
 23 Q. Okay. Where did you work?
 24 A. I worked at ConAgra, Butterball, and then I finished
 25 up when I was at Cargill.

1 Q. And so you completed your masters while employed at
2 Cargill?
3 A. Yes.
4 Q. Let's talk about your work at ConAgra.
5 A. Uh-huh.
6 Q. What did you do there and what were the terms -- or
7 times of your employment?
8 A. I was the live accountant there. What they call
9 live accountant.
10 Q. Was that work, then, related to live production?
11 A. Live production.
12 Q. Anything else?
13 A. Pretty much -- I mean the live production.
14 Q. All right. And so you're in charge of the
15 accounting side, the financial aspects--
16 A. Yes.
17 Q. -- of that live production?
18 A. Yes.
19 Q. All right. And then how long were you there?
20 A. Approximately five years.
21 Q. And did your position stay the same the entire five
22 years?
23 A. Yes.
24 Q. Why did you leave ConAgra?
25 A. To move over to Cargill.

1 Q. And was there a reason that you left ConAgra? Were
2 you terminated or did you choose to leave?
3 A. No, I just chose to leave. Cargill was closer.
4 Q. Okay. And when you first started with Cargill, what
5 was your title or position there?
6 A. Ag accountant.
7 Q. Is that still your position today?
8 A. Yes.
9 Q. And you're located in what office?
10 A. Springdale.
11 Q. And so you've been with Cargill how long?
12 A. Approximately -- I mean, it will be five years this
13 year.
14 Q. Who is your supervisor at Cargill?
15 A. Dennis Fulbright.
16 Q. Fulbright?
17 A. Fulbright, uh-huh.
18 Q. What is his title?
19 A. Ag controller. Ag controller.
20 Q. Controller?
21 A. Yeah.
22 Q. Do you have any staff yourself that report to you?
23 A. Yes.
24 Q. Who would those people be and give me their titles?
25 A. Katie Teel.

1 Q. You might spell her name for the court reporter so
2 she gets it right, you know.
3 A. I'm -- I'm not for sure.
4 Q. Give us your best guess.
5 A. Okay. K-A-T-I-E, and then T -- I think it's E-E-L,
6 or it could be T-E-A-L. I'm not for sure.
7 Q. All right.
8 A. One of those two.
9 Q. And what is her position?
10 A. All of them are considered ag assistants.
11 Q. And they report directly to you?
12 A. Yes:
13 Q. Who else besides Katie Teel?
14 A. Wanda Norman.
15 Q. Others?
16 A. Michelle Graham.
17 Q. Graham?
18 A. Graham.
19 Q. G-R-A-H-A-M?
20 A. A-H-A-M, yeah.
21 Q. Okay. Any others?
22 A. Lavern Thompson. Nata Tucker, Jody Ingram.
23 Q. Is that I-E, Jodie?
24 A. J-O-D-Y.
25 Q. D-Y. Ingram?

1 A. I-N-G-R-A-M, yeah.
2 Q. Okay.
3 A. And Pam McGee.
4 Q. Is that all, then?
5 A. Yes.
6 Q. There's six of them. Do they all office --
7 A. Is there six or seven?
8 Q. Yes. There are six there.
9 MS. MANN: Seven.
10 MR. GARREN: Seven. I apologize. I
11 misspoke.
12 Q. (Mr. Garren continued.) Are they all located in
13 your Springdale office?
14 A. No.
15 Q. All right. Tell me where each is.
16 A. Katie Teel is in Gentry, and then Pam McKee at the
17 bottom of your list --
18 Q. Uh-huh.
19 A. -- is in Ozark, and then the rest are located here.
20 Q. "Here," meaning Springdale?
21 A. Yes. Sorry.
22 Q. All right. Are each of these people employed by
23 Cargill or Cargill Turkey?
24 A. They are Cargill Turkey Production, LLC employees
25 Q. Are you a Cargill Turkey employee or Cargill, Inc.?

1 A. Cargill Turkey Production, LLC employee.
 2 Q. Do you know when Cargill Turkey Production, LLC went
 3 into business?
 4 A. I don't know the exact date.
 5 Q. Okay.
 6 A. No.
 7 Q. When you first went to work for Cargill, it was for
 8 Cargill, Inc. Is that correct?
 9 A. Yes.
 10 Q. At some time it changed over to Cargill Turkey
 11 Production, LLC?
 12 A. Yes.
 13 Q. And you -- so you receive your checks from Cargill
 14 Turkey Production, LLC now?
 15 A. Yes.
 16 Q. Did anything else change besides the name,
 17 essentially, for your purposes of operation?
 18 A. Not that I'm aware of, no.
 19 Q. Okay. Tell me what your daily responsibilities are
 20 or your duties.
 21 A. I do the weekly estimate.
 22 Q. Estimate of what?
 23 A. Estimate of profit or loss for the ag side.
 24 Q. And when you say, "the ag side," what does that
 25 include?

1 A. The weekly estimate only includes the grow out side
 2 Q. And when you say, "grow out side," what other
 3 estimates would there be besides the grow out side?
 4 A. There is none that we do.
 5 Q. Okay. So all you do in your department in
 6 Springdale is the grow out?
 7 A. No.
 8 Q. All right. So tell me what it is that is also
 9 located in that office beside the grow out?
 10 A. We have the feed mill.
 11 Q. And do any of your duties and responsibilities deal
 12 with the feed mill?
 13 A. Yes.
 14 Q. All right. What are your duties with regard to the
 15 feed mill?
 16 A. I make sure that -- a couple of girls report to me.
 17 We do feed orders and we order ingredients.
 18 Q. Is that it?
 19 A. And we -- I mean, we close the books on the feed
 20 mill.
 21 Q. Now, you mentioned that you did the P&L on the Ag
 22 side.
 23 A. Uh-huh.
 24 Q. What else do you do on the Ag side?
 25 A. On the grow out side?

1 Q. On the -- yeah. Well, you referred to the ag side,
 2 but you're actually meaning that's the grow out side?
 3 A. There's -- yeah, because weekly estimate's only on
 4 the grow out.
 5 Q. All right. What else do you do -- well, let me --
 6 let me make sure. With regard to the feed mill, are there
 7 any duties or responsibilities that you haven't listed
 8 besides, basically, the two with regard to feed order and
 9 ingredients and the closing out of the books?
 10 A. Budget wise, we do the budget.
 11 Q. And you do a budget?
 12 A. Yeah.
 13 Q. Is that an annual budget?
 14 A. Yes.
 15 Q. Anything else that you do for the feed mill?
 16 A. Not that I can think of at this time.
 17 Q. Okay. Other than the feed out -- I'm sorry, the
 18 feed mill --
 19 A. Uh-huh.
 20 Q. -- and relating to the grow out, what are your
 21 duties there besides estimating P&L?
 22 A. Well, the actual P&L at the end of the month.
 23 Q. Okay.
 24 A. And budget.
 25 Q. And you do a budget?

1 A. Yes.
 2 Q. Is that an annual or quarterly or what?
 3 A. Annual.
 4 Q. When you do that budget, do you submit it to others
 5 for approval?
 6 A. Yes.
 7 Q. Who would you submit it to?
 8 A. Wichita.
 9 Q. When it goes to Wichita, who does it go to?
 10 A. Dennis Fulbright is who I would send it to.
 11 Q. And that's where he's now located?
 12 A. Yes.
 13 Q. Okay. And has he been there for the whole time
 14 you've been with Cargill?
 15 A. No.
 16 Q. So there was somebody that predeceased -- pre --
 17 preceded him in that position?
 18 A. Yes.
 19 Q. And who was that?
 20 A. Julie Anderson.
 21 Q. And do you know what Julie Anderson's doing today?
 22 A. No, I do not.
 23 Q. Do you know whether or not she's a grower for
 24 Cargill?
 25 A. Not in our operation.

1 Q. Okay. Do your duties require you to deal with
2 electronically stored data or information?
3 A. Can you clarify what you mean "deal with
4 electronically stored information"?
5 Q. Yes. Manipulate it, prepare it, create it, run
6 calculations with it, submit e-mails through it.
7 A. We do deal with electronically.
8 Q. Okay. When you do your budget, is it electronically
9 created?
10 A. It's done on spreadsheets, and we submit it, yes.
11 Q. Okay. And it's stored electronically also in a
12 computer or a server?
13 A. Yes.
14 Q. Okay. Do you do your ordering for the feed mill
15 electronically or is it hard copy documents that are
16 necessary to be created?
17 A. We actually take the orders from the phone and then
18 we key it into the system.
19 Q. All right. Do you physically do that work yourself
20 at the feed mill or other people do it for you and you
21 just oversee it?
22 A. Other people do it.
23 Q. All right. Back to your responsibilities besides
24 estimating the P&L, doing the P&L monthly and a budget,
25 are there any other duties that you are required to

1 perform?
2 A. Just overseeing the people that report to me.
3 Q. All right. So do your responsibilities include
4 Gentry, Ozark, and Springdale?
5 A. Yes.
6 Q. Are there any other areas where you're responsible
7 for besides those three towns that we just mentioned?
8 A. No.
9 Q. Do you physically travel to those locations to
10 perform your duties?
11 A. Usually not.
12 Q. Are you required to travel to any other location
13 outside of Springdale to perform your duties?
14 A. No, usually not.
15 Q. When you say, "usually not," is there an occasion
16 that you have to go to Wichita or somewhere else?
17 A. I may -- like, I went to Virginia just in interim
18 with someone being gone, but it wasn't to perform any
19 duties here.
20 Q. Okay. So were you performing duties for somebody
21 who was gone out of that --
22 A. Office.
23 Q. -- office?
24 A. Yes.
25 Q. And where was that exactly?

1 A. In Virginia.
2 Q. Where?
3 A. Harrisonburg.
4 Q. All right. And was it a similar type of location to
5 the Springdale?
6 A. Yes.
7 Q. And did you do that more than once or just once?
8 A. It was for the -- I mean, I went out there a couple
9 of times, yes.
10 Q. And was each time because someone was -- was out of
11 their position, either temporarily or otherwise?
12 A. The same person, yes.
13 Q. All right.
14 A. The same time period.
15 Q. Let's go back now. Let me direct your attention to
16 Deposition Exhibit No. 1 that's in front of you.
17 MR. GARREN: I didn't make very many of
18 these because --
19 MS. MANN: That's fine.
20 MS. HILL: Okay.
21 MR. GARREN: Most everybody already has
22 these. I'm just trying to get them in the record to show.
23 Q. (Mr. Garren continued.) I'll ask you again to look
24 at that document.
25 A. Uh-huh.

1 Q. And if you will, read through it to make sure that
2 you're correct in what you further -- previously testified
3 about is that you have never read this document. Is that
4 correct?
5 A. Yeah. That's correct.
6 Q. And that this morning was the first time that you've
7 ever seen it?
8 A. Yes.
9 Q. Correct? All right. Can you tell me who was
10 responsible to gather up the documents that are required
11 or requested by this Exhibit No. 1?
12 MS. MANN: Object to form. Lacks
13 foundation. Answer.
14 A. No, I do not.
15 Q. (Mr. Garren continued.) Other than the few
16 documents you saw this morning in talking to your lawyers,
17 do you know what documents were produced in response to
18 this Deposition Exhibit 1?
19 MS. MANN: Objection. Lacks foundation.
20 You may answer.
21 A. No, I do not.
22 Q. (Mr. Garren continued.) Did you have any
23 responsibility at any time to gather up any documents in
24 response to this Request No. 1?
25 A. No, I was not.

Deposition of Brenda Roe - Taken March 26, 2007

Page 26

1 Q. Okay. Can you tell me today, how do you know what
2 was searched to find documents that are responsive to this
3 Deposition Exhibit 1?
4 A. Can you repeat that question one more time?
5 Q. How can you tell me today what documents were
6 searched that might be responsive to the request shown as
7 Deposition Exhibit No. 1?
8 A. I don't think I can answer that.
9 Q. Let me ask you this question.
10 A. Okay.
11 Q. Do you understand what this document, Exhibit 1,
12 means or does?
13 A. No, because I haven't read it.
14 Q. Okay. Let me just explain to you briefly --
15 A. Sure.
16 Q. -- that it is a request from the State of Oklahoma
17 in this litigation to Cargill, and in particular this is
18 to Cargill, Inc., asking for a list of documents totaling
19 125 plus maybe sub parts. Now, since you haven't read it,
20 you say you are not responsible for gathering the
21 documents --
22 A. Uh-huh.
23 Q. -- how can you tell me today what was searched at
24 Cargill that would be responsive to this request for
25 documents?

Page 27

1 A. I couldn't because I haven't read the request to
2 know what documents were requested.
3 Q. Were you requested to gather up any documents for
4 purposes of producing those documents to the State of
5 Oklahoma in this lawsuit?
6 A. I was requested to turn over -- you know, to show
7 them documents, but whether it was related to this or not,
8 I can't answer that.
9 Q. Okay. Who told you to turn over documents?
10 A. It was Trish Smith and Quynh Sperrazza are the two
11 who asked me for documents.
12 Q. Do you know when the first time it was that you were
13 requested to look for any documents?
14 A. About 2005.
15 Q. Do you know what time of year in 2005 you were asked
16 to look for documents?
17 A. I believe it was the fall.
18 Q. And was it both Miss Smith and Miss Terazza that
19 asked you or one of the two?
20 A. They were both there.
21 Q. All right. And are both of these women attorneys?
22 A. I do not know.
23 Q. Do you know whether either one of them are
24 attorneys?
25 A. No, I do not.

Page 28

1 Q. Do you know whether or not they are employed by
2 Cargill?
3 A. Trish Smith is.
4 Q. Do you know what her title is?
5 A. No.
6 Q. Do you know where she works?
7 A. The law department.
8 Q. The legal department, then?
9 A. Yes.
10 Q. And where is that legal department?
11 A. I believe she's in Minneapolis.
12 Q. Did she meet with you here in Springdale to talk
13 about documents?
14 A. Yes.
15 Q. And was Gwen Terazza with her at the same time?
16 A. Yes.
17 Q. Did you meet --
18 MS. MANN: Can I just clarify? It's Quynh
19 Sperrazza.
20 MR. GARREN: I'm sorry.
21 MS. HILL: I'll give you the spelling.
22 MS. MANN: I'll give you a spelling.
23 MR. GARREN: Okay. Quinn? Why don't you
24 give us --
25 MS. MANN: Q-U-Y-N-H, Sperrazza,

Page 29

1 S-P-E-R-R-A-Z-Z-A.
2 MR. GARREN: Okay. Two Es in --
3 MS. MANN: I'm sorry, one E. Two Rs, two
4 Zs.
5 MR. GARREN: Okay. There we go. All right.
6 Q. (Mr. Garren continued.) Let the record reflect
7 then, the person I was referring to is the person you
8 understand to be Quynh Sperrazza. Is that correct?
9 A. Yes.
10 Q. I may have misspoken and --
11 A. Yes.
12 Q. -- mis -- butchered her name, basically.
13 A. That's okay.
14 Q. Okay. I apologize. All right. Were -- when you
15 spoke with Quynh Sperrazza, was she always with Miss Smith
16 or was there any time you only spoke with one of these
17 individuals?
18 A. They were in the office together, but I may have
19 spoke to them separately at certain times.
20 Q. All right. And was this, again, in the fall of
21 2005?
22 A. Yes.
23 Q. Did you have other meetings with them besides the
24 fall of 2005?
25 A. Yes.

8 (Pages 26 to 29)

1 Q. And how often did you meet with them?
 2 A. Not very often.
 3 Q. Well, approximately?
 4 A. I mean, two times is when they came and collected
 5 documents.
 6 Q. Two times?
 7 A. Yes.
 8 Q. And other -- did you give them documents in the fall
 9 of 2005?
 10 A. Yes.
 11 Q. When did you next give them documents?
 12 A. 2006.
 13 Q. Do you know when?
 14 A. I -- I don't recall.
 15 Q. Do you recall a time of year, like seasons?
 16 A. I don't know. Say maybe -- I really don't recall.
 17 Q. In the fall of 2005 --
 18 A. Uh-huh.
 19 Q. -- were the documents you gave them in hard copy or
 20 paper documents?
 21 A. Yes.
 22 Q. And did they also include any electronic data or
 23 information?
 24 A. I do not know. Not at that time from me, no.
 25 Q. In 2006, were the documents you gave them hard copy

1 Q. Okay. Dealing with what subjects, then?
 2 A. Grower-related subjects.
 3 Q. Anything other than grower-related subjects?
 4 A. Not that I recall.
 5 Q. Were the documents in 2006 grower-related documents?
 6 A. Yes. And feed mill-related documents.
 7 Q. Any other type of documents?
 8 A. Not that I can recall.
 9 Q. Who -- from -- from now on, when I refer to the
 10 documents, I'm going to refer to both sets, 2005 and 2006
 11 --
 12 A. Okay. That's fine.
 13 Q. -- unless you need to distinguish for purposes of
 14 your answer, please do so.
 15 A. Okay.
 16 Q. But with regard to the documents that you produced
 17 to Miss Smith and Miss Sperrazza, did you gather up any of
 18 those documents?
 19 A. I did not personally gather them up. They were
 20 there and they gather -- I pointed them in the right
 21 direction and gave them what they wanted, and they
 22 collected them.
 23 Q. Okay. So they went to the storage and personally
 24 picked up the documents that they wanted. Is that
 25 correct?

1 paper copies?
 2 A. Yes.
 3 Q. Did you give them any electronically stored
 4 information?
 5 A. No.
 6 Q. In the fall of '05, do you recall the quantity of
 7 documents that you gave them?
 8 A. No, I do not.
 9 Q. And do you recall the quantity of documents given in
 10 '06?
 11 A. No, I do not.
 12 Q. Where did you get the documents that you gave them
 13 in 2005?
 14 A. Most of them came out of storage.
 15 Q. And where is that storage?
 16 A. Northwest Arkansas Bonding.
 17 Q. Is that located in --
 18 A. Springdale.
 19 Q. -- Springdale?
 20 A. Yeah.
 21 Q. Do you recall the kind of documents that you gave
 22 them?
 23 A. They were all paper documents --
 24 Q. Dealing with --
 25 A. -- from what they requested.

1 A. Yes.
 2 Q. All right. Did you supervise them or observe what
 3 they did at any time?
 4 A. I was there with them, yes.
 5 Q. All right. And you didn't help gather documents,
 6 then?
 7 A. I just pointed to the boxes that they were asking
 8 for, for those subjects related to what they were asking
 9 for.
 10 Q. All right. Do you know whether or not Miss Smith or
 11 Miss Sperrazza had Deposition Exhibit 1 in their
 12 possession?
 13 A. No, I do not.
 14 Q. Did you ever see it at any time in their possession?
 15 A. No.
 16 Q. How long was Miss Smith and Miss Terrazza here in
 17 2005?
 18 MS. MANN: Sperrazza.
 19 MR. GARREN: I'm sorry. Sperrazza.
 20 A. I was there approximately three, four days, maybe.
 21 Q. (Mr. Garren continued.) And how long were they here
 22 in '06?
 23 A. Probably approximately a couple of days again.
 24 Q. Did they have anybody helping them do this document
 25 search and gathering, besides the two of them?

Deposition of Brenda Roe - Taken March 26, 2007

Page 34

1 A. There was one other there, and I'm not sure who it
 2 was.
 3 Q. And was she -- was this a woman or a man?
 4 A. A woman.
 5 Q. And was she present both times?
 6 A. Yes, I believe so.
 7 Q. Was this person, then, someone that traveled with
 8 them?
 9 A. I do not know.
 10 Q. The person didn't work where you knew her then. Is
 11 that correct?
 12 A. That's correct.
 13 Q. Do you know if a checklist or an index of any sort
 14 was made of the documents that they gathered up?
 15 A. They would have made it.
 16 Q. Okay. Did they give you a copy of what that -- that
 17 index was?
 18 A. I don't remember receiving one, no.
 19 Q. So sitting here today, you don't have any idea what
 20 documents they took, other than the general nature of
 21 grower-related documents and then later feed mill-related
 22 documents?
 23 A. Exactly, yes.
 24 Q. Okay. Let's talk, then, about -- give me a list, if
 25 you would, please, of what you consider to be

Page 35

1 grower-related documents.
 2 A. Grower contracts.
 3 Q. Grower contracts.
 4 A. Yeah. Prime cost files.
 5 Q. Prime cost files?
 6 A. Files, yes.
 7 Q. All right.
 8 A. And grower payment files. Those would be the main
 9 what I would consider grower-related files.
 10 Q. Okay. With regard to the grower contracts -- let's
 11 talk about those.
 12 A. Uh-huh.
 13 Q. What is the time frame of the grower contracts that
 14 are stored in the Northwest Arkansas Bonding facility?
 15 A. I do not know.
 16 Q. Who would know?
 17 A. I don't think -- nobody would know without going
 18 down there and looking through the boxes to see how they
 19 were stored, prior to me being there.
 20 Q. Okay. You were there. You pointed them to boxes.
 21 A. Uh-huh.
 22 Q. Did you inquire yourself of those -- let me back up.
 23 Are the boxes labeled --
 24 A. Yes.
 25 Q. -- as to what's in them? And do they have dates on

Page 36

1 them with regard to that labeling?
 2 A. Yes.
 3 Q. And do you have a recollection of what the date
 4 range was of those documents at that storage facility?
 5 A. No, I don't.
 6 Q. Were you told what date range they were looking for?
 7 A. Probably at the time, but I don't recall what time
 8 period they were looking for.
 9 Q. Is this the only location where grower contracts are
 10 maintained? "This" meaning the Northwest Arkansas Bonding
 11 location, the only place you've told me.
 12 A. No.
 13 Q. Where else are grower contracts retained?
 14 A. Within the office.
 15 Q. And do you know -- do you have access to those
 16 documents in the office?
 17 A. Yes.
 18 Q. And can you tell me, what is the general time range
 19 of keeping those documents at the office?
 20 A. There is a retention policy, and I'd have to look
 21 back at the retention policy to see. I have not destroyed
 22 anything since I've been there, and I would have to look
 23 at each grower to see how long they've been there to see
 24 how long, you know, the oldest grower had in his file.
 25 Q. All right. You say you have not destroyed anything

Page 37

1 since you've been there, and you've been there
 2 approximately five years this -- some time this year.
 3 A. Yeah.
 4 Q. Do you know what month this year?
 5 A. August, September.
 6 Q. All right. And when you say you haven't destroyed
 7 anything, let me ask you this. Have you placed documents
 8 in the storage facility?
 9 A. Yes.
 10 Q. All right. And what would be the purpose for moving
 11 a document from the office where you're located in
 12 Springdale to the storage site?
 13 A. We don't have enough storage at the facility to
 14 retain for the number of retentions that they have to
 15 keep.
 16 Q. Are documents that are moved to the storage site for
 17 active growers?
 18 A. Not related to the contract files, no.
 19 Q. Okay. So the contract files, if they're active,
 20 they would be maintained at the Springdale office as
 21 opposed to the storage site?
 22 A. Yes.
 23 Q. And are growers subject to signing more than one
 24 contract when they work with Cargill for more than a year?
 25 A. We have different renewal terms and depending on the

10 (Pages 34 to 37)

1 grower and the renewal terms is when they sign a new
 2 contract.
 3 Q. Okay. What are the renewal terms?
 4 A. It's set forth in the -- I mean it's set forth by us
 5 in the contract, so some could be -- it's on a per flock
 6 basis. So some may be 15 flocks, some may be six flocks.
 7 Q. Okay. So what criteria requires you to make a
 8 decision to move a file from your location at the office
 9 to the storage facility?
 10 A. One more -- can you ask me that one more time?
 11 Q. Yeah. Let's start it this way. With regard to an
 12 active grower, are there files for an active grower moved
 13 to the storage facility?
 14 A. As far as the contract file, no.
 15 Q. Okay. Are the -- when a grower becomes inactive,
 16 are his or her files then moved out of the Springdale
 17 office into storage?
 18 A. We do have some inactive growers there at the
 19 Springdale facility.
 20 Q. All right. So you have both active and inactive at
 21 the Springdale facility?
 22 A. Yes.
 23 Q. And that's just relating to contract files?
 24 A. Yes.
 25 Q. Are contracts filed in separate folders, or -- or do

1 they get filed with other documents?
 2 A. They are set up by grower, and there's a few other
 3 documents within that folder for the contracts.
 4 Q. Okay. All right. So that I'm clear, if a grower
 5 has been with you for several years, and then they have
 6 more than one contract, that document, along with some
 7 other documents, may be in the same folder?
 8 A. Yes.
 9 Q. Okay. Do you have more than one folder for a
 10 grower?
 11 A. Not that I'm aware of.
 12 Q. All right. What other documents would be in that
 13 same folder with the contracts?
 14 A. An assignment to a bank. Any deductions we may have
 15 to take from the base payment.
 16 Q. From base payments?
 17 A. Yeah. And then if we do have a copy of the W9 on
 18 hand, it's in there, too.
 19 Q. So those documents along with the grower contract
 20 would all be in the same folder?
 21 A. Yes.
 22 Q. And it's filed under a grower's name?
 23 A. It's actually filed for the -- that farm name.
 24 Q. All right. So --
 25 A. So --

1 Q. -- it may be a farm name as opposed to the
 2 individual operator's name?
 3 A. Yes.
 4 Q. All right. Are they located, then, in the filing
 5 cabinet?
 6 A. Yes.
 7 Q. And are they alphabetized by that name, the grower
 8 name?
 9 A. By the farm name.
 10 Q. All right. Let's now talk about the prime cost
 11 files. Tell the court, if you would, please, what those
 12 are.
 13 A. The prime cost file is the grower's bonus payment or
 14 final payment.
 15 Q. Is that the same, final or bonus?
 16 A. What?
 17 Q. You said bonus or final payment. Are those the same
 18 payment or are they --
 19 A. The same.
 20 Q. -- two different --
 21 A. They're the same payment, but some people refer to
 22 it as final payment, and some people refer to it as a
 23 bonus payment.
 24 Q. All right. Do you know what it says on the face of
 25 the document?

1 A. I believe it says prime cost.
 2 Q. All right. How do you refer to it?
 3 A. Prime cost.
 4 Q. All right. Is there a date range for which you
 5 maintain prime cost files at the Springdale office?
 6 A. Not a date range, no. We keep the most current,
 7 recent ones we've done, at the office.
 8 Q. How recent means recent?
 9 A. Depends when the file cabinet gets full, but I would
 10 say the last six months.
 11 Q. And what happens to the other prime cost files --
 12 A. Stored at --
 13 Q. -- that are --
 14 A. -- our facility.
 15 Q. All right. So they're put into storage at the
 16 Northwest Arkansas Bonding?
 17 A. Yes.
 18 Q. All right. And how long are the prime cost files
 19 retained at the storage?
 20 A. I would have to look at the retention policy, but
 21 it's in the retention policy.
 22 Q. Is there anything else -- let me ask you this. Is
 23 the prime cost file in a separate folder from the
 24 contracts?
 25 A. Yes.

Deposition of Brenda Roe - Taken March 26, 2007

Page 42

1 Q. And is it filed behind the grower contract folder or
 2 next to it?
 3 A. No. In a separate file cabinet.
 4 Q. Separate file cabinet.
 5 A. Yes.
 6 Q. All right. And is it filed by grower name or farm
 7 name as are the grower contracts?
 8 A. No. It's filed by dates.
 9 Q. And what time range of dates do you use -- do you do
 10 this filing?
 11 A. The prime cost is calculated on a range, and it's
 12 based on placement dates, so right now it's based on like
 13 people placed the 1st through the 15th are in one prime
 14 cost, and people placed the last half of the month are in
 15 another prime cost, so depending on when they all kill,
 16 it's based on the placement dates.
 17 Q. So you, basically, have two periods per month that
 18 you attempt to organize these files under?
 19 A. Yes.
 20 Q. Is that correct? Is there anything else kept in the
 21 prime cost file besides this prime cost bonus or final
 22 payment that you referred to?
 23 A. There is -- I want to say there's a lot of documents
 24 that print out when you run a prime cost.
 25 Q. And are those documents that are printed out put in

Page 44

1 Q. Okay.
 2 A. And I would trace back.
 3 Q. And does -- and does each grower receive a specific
 4 number identifying that grower?
 5 A. Each grower has a separate number, yes.
 6 Q. All right. And so you would rely on -- how do you
 7 know what that number is versus the name? Do you have a
 8 -- an index that -- that you can look up the grower and
 9 give you a grower number and then insert the number to the
 10 system.
 11 A. It's within the same system, a TFS system.
 12 Q. Okay.
 13 A. It's set up through that.
 14 Q. So you would be able to put the grower's name in,
 15 get the number, and then use the number to find --
 16 A. You wouldn't be able to put the name in. You would
 17 have to -- there's a -- I guess a report that you can ask
 18 for that will show all the growers in there -- the active
 19 growers and then the grower number.
 20 Q. Okay. So once you run your report, you see all the
 21 growers, are they arranged by number or by grower
 22 alphabetical name?
 23 A. I think you can print it two ways, but, yeah, you
 24 can print it alphabetical.
 25 Q. So you would need to look at that in order to find

Page 43

1 each folder or is it a single folder holding all of the
 2 documents?
 3 A. It's single folder holding all the documents.
 4 Q. And that single folder, then, is filed by this date
 5 range based upon placement?
 6 A. Based on placement based on bird type.
 7 Q. Okay. So if you were looking for grower Smith, and
 8 you were looking for a prime cost file, how would you know
 9 to go find it?
 10 A. I would have to know the date they were placed.
 11 Q. And how would you locate that?
 12 A. I guess there's various ways. I mean, to know their
 13 kill date and go back from the kill dates.
 14 Q. How do you learn the kill date?
 15 A. There is -- in our system there's a report we can
 16 run that goes back so far showing what flocks were killed,
 17 when. Like a summary of that grower.
 18 Q. Okay. So it would pull -- you could ask for kill
 19 dates by some date range, and it would show up names of --
 20 when I say names of the grower, the grower farm?
 21 A. I would have -- I can put a grower number in the
 22 system --
 23 Q. All right.
 24 A. -- and it would print out all the farms for that
 25 grower number, all the flocks for that grower number.

Page 45

1 the grower number. That grower number would be used by
 2 you to go into the system to pull this other information
 3 about prime cost?
 4 A. Yes.
 5 Q. Okay. What other types of documents are in the
 6 prime cost files? You mentioned there were some.
 7 A. Yeah. I mean, there's a ranking there where they
 8 rank in the prime cost because our growers are compared
 9 against each other.
 10 Q. Is this all part of one report?
 11 A. It's all the prime cost. Now -- I mean, the ranking
 12 is a separate report from like the grower's payment sheets
 13 to calculate their final payment. And then there's a
 14 closed flock expense in that file for each individual
 15 grower within that prime cost.
 16 Q. So that I'm clear in understanding what documents
 17 you're trying to identify, within the prime cost files you
 18 would find a ranking document?
 19 A. Yes.
 20 Q. You would find a payment sheets document?
 21 A. Yes.
 22 Q. And you would find a closed flock expense document?
 23 A. Yes.
 24 Q. Are there other documents besides those three, then,
 25 and the prime cost?

12 (Pages 42 to 45)

1 A. There is some other documents that print out, but
 2 I'm not sure exactly what the names of them would be.
 3 Q. Are these three documents part of the prime cost or
 4 is a prime cost file a separate document?
 5 A. The prime cost is actually the ranking of where they
 6 ranked to calculate the bonus. It's an average of that
 7 group.
 8 Q. But the ranking's a separate document, or is it?
 9 What I'm trying to find out --
 10 A. I mean --
 11 Q. -- you look at it on the same page?
 12 A. No. It's different pages.
 13 Q. All right.
 14 A. It's different pieces of paper --
 15 Q. All right.
 16 A. -- within that file.
 17 Q. Okay. Are those all of the documents, then, that we
 18 would find that you can recall today that are in the prime
 19 cost file?
 20 A. Yes.
 21 Q. But you said there might be a couple of others, you
 22 just don't remember what they are?
 23 A. There's like a calculation sheet that, you know,
 24 just shows some dollars. And, I mean, there's a sheet
 25 that prints out showing that it went to the payment --

1 payables to show that the payments went that needed to go.
 2 But there's little reports like that I may not, you know,
 3 have caught them all.
 4 Q. All right. Let's now talk about grower payment
 5 files. That's another separate set of documents. Is that
 6 correct?
 7 A. Yes.
 8 Q. And is it stored with the prime cost or the contract
 9 -- the grower contract files?
 10 A. No.
 11 Q. So it's stored separately?
 12 A. Yes.
 13 Q. Is it in its own filing cabinets?
 14 A. Yes.
 15 Q. All right. And tell me what are in the grower
 16 payment files.
 17 A. The grower payment files have any grower advances we
 18 give them for their flock, their guaranteed base payment,
 19 any fuel allowance reimbursement we may have given them,
 20 and any other small reimbursement or anything that may
 21 have been due to them.
 22 Q. All right. Let's talk about each one of those.
 23 Advances for flock. Is that a -- are we going to be
 24 seeing something like a memo? Are we going to be seeing a
 25 canceled check? A check stub? What would it be?

1 A. We have a form that they sign that they can get a
 2 flock advance, if they ask, at six weeks of age or beyond.
 3 Q. And when you're saying an advance, that's an advance
 4 payment in anticipation of delivering the birds at a later
 5 date?
 6 A. Yes. Exactly.
 7 Q. And does the advances for flock then reflect the
 8 amount of payment that they receive and their signature on
 9 it? Is that what I understand you to say?
 10 A. Yes. It's calculated on the sheet, and the grower
 11 signs it, the flock supervisor signs it, and the grow out
 12 manager all sign it.
 13 Q. Okay. The guaranteed base payment, what is that
 14 document?
 15 A. It's generated out of the system. It's the number
 16 of head that they processed times the base payment
 17 guaranteed per the contract, depending on bird type, and
 18 then you have -- if they had a flock advance, anything
 19 deducted that needs to be deducted from it. And it also
 20 has like a livability condemn bonus if they earned one on
 21 that.
 22 Q. A condemned bonus?
 23 A. Livability or a condemned bonus, if they earned
 24 anything.
 25 Q. And that's not the same as the final payment or

1 bonus payment. Is that correct?
 2 A. That's correct.
 3 Q. That -- the final payment or bonus payment comes
 4 after that?
 5 A. Yes.
 6 Q. The fuel allowance reimbursement, is that -- just
 7 describe to me what that document looks like?
 8 A. It's a plan that they put together on a -- usually a
 9 yearly basis, stating, "This is our fuel program," whether
 10 it's allowing them so much for brood fuel, grow out fuel,
 11 cost sharing are three different ones that may have been
 12 for that current year. And it's just a document saying we
 13 are going to pay them this much for -- based on maybe
 14 birds placed, depending on what the document says.
 15 Q. Is that usually a single page?
 16 A. Each program would be on a separate document that we
 17 would provide the grower each year. Like, usually in the
 18 fall we provide it to them before the winter sets in
 19 saying, "This is what our plan is for the year."
 20 Q. Okay. So is it generated by Cargill before the
 21 grower sees it?
 22 A. Yeah, we generate -- well, we generate the document
 23 showing what the program is --
 24 Q. Okay.
 25 A. -- before the grower sees it, yes.

1 Q. Okay. And then that program is given -- or that
 2 program through that document is given to the grower for
 3 them to make plans going forward for that year?
 4 A. Well, say it's brood fuel --
 5 Q. Okay.
 6 A. -- brood fuel is based on how many birds they place,
 7 so we just take the number of birds placed times how many
 8 -- much we're allowing, based on bird type, then we
 9 automatically just pay the grower --
 10 Q. All right.
 11 A. -- for that, for the birds they placed.
 12 Q. And so this document will show how much they're
 13 actually paid in addition to the program, or you have to
 14 look at this document to calculate what the payment's
 15 going to be?
 16 A. Yeah. The document just states, "This is the --
 17 this is the program, and this is what we are going to do
 18 to help you out."
 19 Q. All right.
 20 A. For fuel assistance.
 21 Q. And then small reimbursement document, what -- what
 22 would that document say and what would it look like?
 23 A. It just depends what it's for. Sometimes the grower
 24 may turn in a bill for fixing, you know, say a feed truck
 25 knocked down a fence or, you know, just tearing up some of

1 their equipment that we need to reimburse them from. We
 2 -- we may pay the grower to reimburse them for it, and
 3 they've paid a vendor, so we'll get that vendor invoice
 4 saying, "This is how much it was to repair" whatever
 5 needed repaired.
 6 Q. What other types of reimbursement records would be
 7 in that file?
 8 A. That's the main one I can think of is just some
 9 damage done on the farm that we need to reimburse them
 10 for.
 11 Q. With regard to the documents in the Springdale
 12 office, including the storage, do you know whether or not
 13 the search for all such documents in that area has been
 14 completed?
 15 A. I do not know if it's completed.
 16 Q. All right. Do you know or have you been told
 17 whether there's another time for someone coming to pick up
 18 more documents?
 19 A. Nothing has been set with me.
 20 Q. All right. Did anyone in your office or under your
 21 direction observe what documents were taken besides
 22 yourself?
 23 A. Not that I'm aware of, no.
 24 Q. Were you, in fact, present the entire time that Ms.
 25 Smith and Ms. Sperrazza actually picked up and took the

1 documents? Or gathered the documents?
 2 A. I was present for the majority of the time, yes. I
 3 don't have -- I guess I don't want to say the whole time
 4 because I don't know if I was at -- you know, away maybe
 5 while they did some of it. And some of it was in storage.
 6 Q. When the documents were -- were they put into boxes,
 7 the documents they took?
 8 A. The documents on site were put in separate boxes,
 9 yes.
 10 Q. And what happened to those boxes of documents?
 11 A. They took them, and then they returned them to us.
 12 Q. Okay. So they -- "they," meaning Miss Smith and
 13 Miss Sperrazza physically took the documents themselves?
 14 A. They took -- took the documents. I don't know
 15 physically if they took them themselves, but they had the
 16 documents, yes.
 17 Q. Okay. How long were the documents gone before they
 18 were returned?
 19 A. I don't recall how long they were gone.
 20 Q. You don't have any estimate of time?
 21 A. The boxes from storage were probably gone the longer
 22 time than the ones from the office. The ones from the
 23 office were probably only gone less than a month, or maybe
 24 just within a couple of weeks they were back to us,
 25 approximately, because those were current records.

1 Q. Do you know what happened to those documents when
 2 they were gone before they were returned back to you?
 3 A. No, I do not.
 4 Q. Did -- how do you know if all the documents were
 5 returned to your offices?
 6 A. Quynh and Trish had someone come back, the other
 7 person who was with them come back and put the documents
 8 back up where they'd found them.
 9 Q. Okay. I understand maybe that's how it physically
 10 got done. How do you personally know they were returned,
 11 all of the documents were returned, that is?
 12 A. I don't personally know.
 13 Q. Okay. So when they returned, they didn't give you
 14 an index to verify what they took and thus verify what
 15 they were bringing back. Is that a correct statement?
 16 A. That's a correct statement.
 17 Q. Did Ms. Smith or Ms. Sperrazza or the other person
 18 that was with them at either time that they were here
 19 explain to you that they were confused or had lacked some
 20 understanding of what the documents were they were looking
 21 for?
 22 A. No, they did not.
 23 Q. Okay. Did they give you anything in writing of what
 24 documents they were looking for for you then to assist
 25 them?

1 A. Not that I recall, no.
 2 Q. And do you know what office -- are you certain that
 3 they were both out of the Minneapolis office?
 4 A. No, I'm not.
 5 Q. Have you had any other dealings with either of these
 6 individuals, Miss Smith or Miss Sperrazza, other than
 7 these two times that -- that documents were picked up?
 8 A. Yes.
 9 MS. MANN: With regard to collecting our
 10 documents? Is that what you're getting at?
 11 MR. GARREN: I'm just -- I'll -- I'll
 12 restate it.
 13 THE WITNESS: Okay.
 14 Q. (Mr. Garren continued.) Have you had any other
 15 dealings with Miss Smith or Miss Sperrazza after they took
 16 the documents?
 17 A. Yes.
 18 Q. Besides just bringing them back?
 19 A. Yes.
 20 Q. Okay. What kind of other dealings do you have with
 21 them?
 22 MS. MANN: Object. Invades the
 23 attorney/client privilege.
 24 Q. (Mr. Garren continued.) Okay. Let me ask you. Did
 25 you have conversations with them?

1 A. Yes, I have.
 2 Q. Okay. Have they come and had conversations
 3 personally with you?
 4 A. No.
 5 Q. So their conversations would have been by phone?
 6 A. Yes.
 7 Q. Would they have been by e-mail?
 8 A. Yes.
 9 Q. Okay.
 10 MR. GARREN: And, Counselor, are you
 11 representing to me that Miss Smith and Miss Sperrazza are
 12 in fact, attorneys for Cargill.
 13 MS. MANN: Miss Smith is a paralegal for
 14 Cargill, and Miss Sperrazza is a paralegal for Faegre &
 15 Benson.
 16 MR. GARREN: Do you know, in fact, know,
 17 Counsel, the name of the third party that was there.
 18 MS. MANN: I do not know to whom she is
 19 referring.
 20 MR. GARREN: Okay. And therefore, you can't
 21 represent to me whether she is, in fact, a paralegal or an
 22 attorney. Is that correct?
 23 MS. MANN: I cannot without knowing the
 24 name. I would have to know who it was.
 25 MS. HILL: Let's -- you want to go off the

1 record for just a moment?
 2 (Wherein, an off-the-record discussion was held.)
 3 MS. HILL: We can go on the record. It was
 4 Jenny Barrett, Jennifer Barrett. She's a legal assistant
 5 with our office.
 6 THE WITNESS: Thank you.
 7 MS. HILL: That's fine.
 8 THE WITNESS: Thank you.
 9 MS. HILL: Well, I just wanted to make sure
 10 it was the person from Oklahoma.
 11 MR. GARREN: Okay.
 12 Q. (Mr. Garren continued.) Have you been given any
 13 instructions with regard to updating the production of
 14 documents?
 15 A. No, I haven't.
 16 Q. Was there any other location that documents were
 17 obtained from besides your offices in Springdale or the
 18 storage space referred to as Northwest Arkansas Bonding?
 19 A. I do not know.
 20 Q. So your -- your -- the total personal experience
 21 that you have with regard to production of documents is
 22 limited to what these two women with the aid of a
 23 paralegal or legal assistant from Oklahoma did in 2005 and
 24 2006. Is that correct?
 25 A. Yes.

1 Q. So that I'm clear, you mentioned a couple of other
 2 documents, an assignment to the bank, and that document is
 3 a document that is stored with what files?
 4 A. Within the contract. There's a separate folder
 5 within the contract folder, if that grower has an
 6 assignment with the bank.
 7 Q. All right. And that assignment with the bank would
 8 be to have record of payments that would go directly from
 9 Cargill to the bank for the benefit of that grower?
 10 A. Yes.
 11 Q. And the deductions from base payment, are they kept
 12 in the prime cost files or are they kept with the contract
 13 files?
 14 A. Before they are deducted from the base payment, they
 15 are kept within the contract file in a separate folder,
 16 and then they are stapled to the base payment. And I
 17 can't say that's how it always has been done.
 18 Q. Okay. When they're stapled with the base payment,
 19 is that base payment then kept within a file -- separate
 20 folder within the grower contract files?
 21 A. It's kept -- it's put in their grower payment file.
 22 Q. Grower payment file.
 23 A. (Witness nods head.)
 24 Q. Is that -- okay. And the W9, if you have it, is
 25 kept in what file?

Deposition of Brenda Roe - Taken March 26, 2007

Page 58

1 A. A separate folder within the con -- within the
 2 contract, you know, hanging folder.
 3 Q. Did you assign any persons to aid or assist in
 4 gathering of the documents at any time?
 5 A. No, I did not.
 6 Q. For what area do the Spring -- strike that. The
 7 Springfield records that you have referred to, in
 8 particular the contract grower -- the grower contract
 9 files --
 10 MS. MANN: Springdale?
 11 THE WITNESS: Springdale.
 12 MR. GARREN: Yeah.
 13 Q. (Mr. Garren continued.) The ones that you keep at
 14 the Springdale office.
 15 A. Uh-huh.
 16 Q. Okay. What is the area that those growers are
 17 located? What is the region or how far spread are those
 18 growers?
 19 A. We have a few in Oklahoma just on the edge of
 20 Oklahoma/Arkansas, a few on the edge of Missouri and
 21 Arkansas, and then the Northwest Arkansas area, all
 22 through the area, out to like Huntsville, and now we have
 23 some down through -- down south, like by Ozark.
 24 Q. Do you know if the documents that were removed in
 25 '05 and '06 were limited to the Illinois Water Shed, or

Page 60

1 does that include from the storage facility?
 2 A. Yes.
 3 Q. And at the time that you took over the
 4 responsibility, do you know what the retention record for
 5 those files were? Retention period.
 6 A. No, I do not.
 7 Q. Does anyone else have access to those files in the
 8 storage facility besides yourself?
 9 A. I don't know.
 10 Q. Okay. How do you access the storage facility?
 11 A. We would call that storage facility and ask to go
 12 get our records.
 13 Q. And who is "we"?
 14 A. I -- I call or one of the people reporting to me
 15 would call --
 16 Q. Okay.
 17 A. -- and would ask for the records.
 18 Q. Are any of the people that report to you authorized
 19 to go in and out of that storage record without your
 20 knowledge?
 21 A. They have been allowed to call and -- yes. I would
 22 say if the storage facility allowed them, then I would say
 23 yes.
 24 Q. Okay. And they would do so without your knowledge
 25 on occasion?

Page 59

1 were they -- or were they related to a larger grower
 2 vicinity?
 3 A. I believe they were all the documents.
 4 Q. Just all the documents?
 5 A. Yes.
 6 Q. All right. You don't keep documents, then, that are
 7 identifiable by water shed. Is that a correct statement?
 8 A. That's a correct statement.
 9 Q. Do you have anything in the files of the growers
 10 that would indicate what water shed they might be located
 11 in?
 12 A. No, I do not.
 13 Q. If you were asked to identify whether a grower was
 14 in a specific water shed, do you have the ability to do so
 15 with any information at your -- that's accessible by you?
 16 A. We have the address.
 17 Q. Okay. Is that all you have, then, to look to?
 18 A. That would be the main thing we would have, yes --
 19 Q. Okay.
 20 A. -- that I can recall.
 21 Q. And from that address, are you able to ascertain
 22 whether they're in the Illinois River Water Shed?
 23 A. I would -- I really don't know.
 24 Q. Okay. When you said earlier that you have not
 25 thrown anything away for the whole time you've been here

Page 61

1 A. I don't think they have, but I would think that they
 2 could, yes.
 3 Q. What would be the purpose for them going to the
 4 storage facility?
 5 A. They wouldn't have a purpose for going to the
 6 storage facility.
 7 Q. Are you telling me, then, that the people that
 8 worked under you or under your control don't have a reason
 9 to be there at all?
 10 A. Not to my knowledge, no.
 11 Q. Why did you let me believe that they could call and
 12 get access, then?
 13 A. They have called and asked them to bring boxes to
 14 our facility for us, and I am saying that if they call and
 15 ask to get to the facility that they could get into the
 16 facility.
 17 Q. All right. Let's go back. When you said "they have
 18 called to get boxes for us," I need to figure out who's
 19 "they" and who's "us"?
 20 A. And who's us.
 21 Q. Okay. So are you telling me that the people that
 22 work for you would call the storage facility to call up
 23 boxes to bring to Springdale?
 24 A. Yes, to bring to our office.
 25 Q. All right. For your use, then, in the office?

16 (Pages 58 to 61)

1 A. Yes.
 2 Q. All right. And, generally, what would be the
 3 purpose for bringing storage documents out of that storage
 4 back to the office?
 5 A. If someone has requested or we need to look up
 6 information.
 7 Q. Okay. Is it a fair statement that all of the files
 8 that are in the storage facility -- let me back up. You
 9 may have told me otherwise. Let me make sure I
 10 understand.
 11 Are there active grower files or related documents
 12 in storage -- let me rephrase that.
 13 If you have an active grower --
 14 A. Uh-huh.
 15 Q. -- is it possible that some of his files are in
 16 Springdale and some of them are in the storage facility at
 17 the same -- at the same or both locations?
 18 A. Yes.
 19 Q. Okay. So you might need to go to the storage to
 20 look up records -- historical records for a grower who is
 21 still active for Cargill? Is that what you're telling me?
 22 A. Yes.
 23 Q. Okay. So everything in storage isn't necessarily an
 24 archived or a dead file or inactive grower file?
 25 A. No.

1 Q. All right. And that's guided by space requirements
 2 of the Springdale office as to why you would move those
 3 records into the storage?
 4 A. Yes.
 5 Q. All right. Are the records that we've talked about
 6 so far, when Cargill, Inc. became Cargill Turkey
 7 Production, LLC, are the forms still the same that were
 8 used for Cargill as they are for Cargill Turkey
 9 Production?
 10 A. The forms are the same, yes. The name may have
 11 changed on them, but the form is the same.
 12 Q. Okay. Did any documents change in substance other
 13 than the name that might be on the form?
 14 A. No.
 15 Q. So if I were looking for files relating to prime
 16 cost files, they would be, basically, the same form, same
 17 information, but the name might be Cargill Turkey
 18 Production or Cargill, Inc. Is that a fair statement?
 19 A. That's a fair statement, yes.
 20 Q. All right. The reason I'm asking, I want to make
 21 sure I'm -- if I'm looking for older files that are
 22 related to Cargill, Inc., or documents like you've talked
 23 about --
 24 A. Uh-huh.
 25 Q. -- I'm going to be seeing the same type of document

1 but the title might be slightly different --
 2 A. Yeah.
 3 Q. -- only because of the name of Cargill, Inc. versus
 4 Cargill Turkey Production?
 5 A. Can I clarify something there?
 6 Q. Yes, please do, because I want to make sure I --
 7 A. I mean, the contract file may have changed, the
 8 contract itself may have been changed --
 9 Q. Okay.
 10 A. -- but the name of the contract should have stayed
 11 the same.
 12 Q. Okay.
 13 A. But the stuff inside the contract may have changed.
 14 Q. Okay.
 15 A. So just to...
 16 Q. And my point in asking is to make sure there aren't
 17 another set of forms that I need to ask you about today
 18 that would coincide with the same kind of document --
 19 documentation that you've already described?
 20 A. Not that I'm aware of, no.
 21 Q. All right. Is there any other storage facility used
 22 that you're aware of in this area besides the Northwest
 23 Arkansas Bonding?
 24 A. Not that I'm aware of, no.
 25 Q. What is the next closest office that deals with grow

1 out to Springdale's office?
 2 A. The plant.
 3 Q. And that plant is?
 4 A. Springdale.
 5 Q. Okay. And that plant is the processing plant?
 6 A. Yes, it is.
 7 Q. Are you in charge of any records that come from the
 8 processing plant?
 9 A. My department is, yes.
 10 Q. Okay. What kind of records would be related to the
 11 processing plant?
 12 A. The USDA certificate, the scale tickets, the live
 13 weight tickets.
 14 Q. Are those one and the same?
 15 A. Yeah, they're one and the same. I don't know
 16 exactly --
 17 Q. Okay.
 18 A. -- the term of the document, so -- the plant
 19 provides a condemn report. But those would be the main
 20 documents we would receive from the plants.
 21 Q. Is there any other facility besides the Springdale
 22 office and the processing plant that would generate
 23 documents in this area?
 24 A. Not that I'm aware of.
 25 Q. Okay. Where is the next closest office similar to

Deposition of Brenda Roe - Taken March 26, 2007

Page 66

1 the Springdale office?
 2 A. The hatchery's in Gentry.
 3 Q. Are you in charge of any documents that are created
 4 at the hatchery?
 5 A. The -- we voucher up the poult delivery tickets.
 6 Q. Any other documents that you're responsible for or
 7 see after they're created?
 8 A. Document wise, no.
 9 Q. And the voucher -- or when you voucher up a poult
 10 delivery ticket, tell me what that means.
 11 A. We key in the delivery ticket to our TFS system.
 12 Q. Do you do any physical key-in yourself?
 13 A. No, I do not.
 14 Q. Are there reports then generated from that data that
 15 you utilize in your offices or under your control?
 16 A. There is an Excel report that they put out called
 17 the actual poult placement.
 18 Q. And do you use that in your responsibilities to
 19 Cargill?
 20 A. I do not use it.
 21 Q. Do you know who does use the report?
 22 A. Katie uses the report.
 23 Q. And what does she do with those reports?
 24 A. She -- she's the one who generates the reports.
 25 Q. Okay. And they're generated in hard copy?

Page 67

1 A. No, electronic.
 2 Q. It's all electronic?
 3 A. Yes.
 4 Q. Okay. Are there -- are there any hard copy reports
 5 created out of the hatchery in Gentry?
 6 A. Hard copy reports would be just the poult ticket
 7 itself that went out to the farm --
 8 Q. All right.
 9 A. -- that come back.
 10 Q. And does that ticket -- where is it -- is it stored
 11 --
 12 A. Yes.
 13 Q. -- someplace?
 14 A. Yes.
 15 Q. Where's it stored?
 16 A. It's stored in Northwest Arkansas Bonding.
 17 Q. All right. So we --
 18 A. It comes over to us, yes.
 19 Q. And then would it be stored within a grower file?
 20 A. No. They're stored by vouchers.
 21 Q. So we have another set of documents that are
 22 vouchers?
 23 A. Yes.
 24 Q. And are they filed by grower name or grower farm
 25 name?

Page 68

1 A. No.
 2 Q. How are they maintained?
 3 A. By voucher number by type of voucher. Did I say
 4 name or number? Did I say number and type?
 5 MS. MANN: You said voucher number.
 6 THE WITNESS: Okay. Thank you.
 7 MS. HILL: Do you need a break? You've been
 8 going for over an hour.
 9 THE WITNESS: Yeah, I might want to do that.
 10 MS. HILL: Okay. I'm not sure we told you
 11 that rule. You're in charge. You can break when you
 12 want.
 13 MR. GARREN: That's true. I did not. If at
 14 any time you feel like you need a break you're welcome to.
 15 THE WITNESS: Okay.
 16 MR. GARREN: Let me know in advance.
 17 THE WITNESS: If we could take one here.
 18 (Wherein, a break was taken.)
 19 MR. GARREN: We've had a conversation just
 20 for a few minutes off the record with regard to my request
 21 for Cargill to produce a 30(b)(6) witness that can discuss
 22 all 125 categories of document requests, and you're
 23 telling me that's going to be more than one person, maybe
 24 as many as 10. Correct.
 25 MS. MANN: What I am telling you is, we

Page 69

1 don't have anyone who can talk about your document
 2 requests. What we have are people who can talk about the
 3 documents that we have identified as responsive to your
 4 request.
 5 MR. GARREN: Okay.
 6 MS. MANN: Okay?
 7 MR. GARREN: All right. And to the extent
 8 that you have objected and have not determined there to be
 9 any responsive document, are you telling me there will be
 10 no one who can talk on that category?
 11 MS. MANN: If we have --
 12 MR. GARREN: You --
 13 MS. MANN: If we have -- if there are no
 14 documents responsive to the request, then there is no
 15 custodian of record for the documents --
 16 MR. GARREN: Okay. That's not my question.
 17 MS. MANN: -- that don't exist.
 18 MR. GARREN: You've objected on many of
 19 these requests. Okay? And so you've determined based on
 20 the objection you're not going to produce documents. Are
 21 you telling me you're going to produce somebody who can
 22 talk about those documents, notwithstanding your
 23 objection.
 24 MS. GARREN: I'm -- I'm not sure that I
 25 understand what you're -- what you're asking. You would

18 (Pages 66 to 69)

Deposition of Brenda Roe - Taken March 26, 2007

Page 70

1 have to give me specific examples. But, I mean, what we
2 have are documents that exist at Cargill. If there are
3 specific documents that you would like a records custodian
4 produced for, we're happy to produce the records
5 custodian. And what I'm saying is, for the documents that
6 we have identified as responsive, we -- we can produce the
7 records custodian. If there's something else out there,
8 tell us what you think is out there, and we'll -- we'll be
9 glad to do it.

10 MR. GARREN: My question is this. If you've
11 objected to producing a document, do you consider that to
12 be responsive, thus someone can talk about it, or do you
13 consider that to be nonresponsive and no one will talk
14 about it?

15 MS. MANN: And, again, I -- I'm -- I'm not
16 sure that I understand what --

17 MR. GARREN: They're your objections.

18 MS. MANN: -- you're getting at.

19 MR. GARREN: They're your objections, and
20 I'm trying to understand --

21 MS. MANN: Okay.

22 MR. GARREN: -- who you're going to produce.

23 Are you producing people to talk about --

24 MS. MANN: You're -- you're asking --

25 MR. GARREN: -- all of these?

Page 72

1 to come back so we can talk about documents inside or
2 outside the IRW.

3 MS. MANN: Okay. This witness has already
4 testified that she doesn't know what documents were
5 collected, whether they're inside or outside the IRW. She
6 can answer questions about the documents that are within
7 her knowledge --

8 MR. GARREN: She --

9 MS. MANN: -- without regard to -- to any
10 scope whatsoever, without regard to any date. The only
11 thing she's not going to be able to testify to is what was
12 actually collected by counsel and what was actually
13 produced in the litigation, because she took no part in
14 that, in those activities. But she's here, you can
15 inquire of -- as to her knowledge all you want.

16 MR. GARREN: Okay.

17 MS. HILL: As she has so testified about
18 documents that go outside the scope of the Illinois River
19 Watershed, so...

20 MR. GARREN: Well, she testified she didn't
21 know because she couldn't identify what was within or
22 outside the IRW. That was her testimony. So she doesn't
23 know what the documents are by watershed. She's already
24 said that. But she's --

25 MS. MANN: That's right.

Page 71

1 MS. MANN: You're asking me to discuss
2 objections in a vacuum. We have a number of objections.
3 For example, we have objected to producing documents
4 outside of a certain geographic area. Are you asking me
5 to -- am I going to produce a records custodian for
6 documents that we've objected to producing outside of the
7 geographic area?

8 MR. GARREN: That's exactly what I'm asking.

9 MS. MANN: Yes, until -- until that issue is
10 otherwise ordered by the court. That's exactly right.
11 However, documents that are within the geographic area
12 that we've agreed to produce and have produced, we will
13 identify a records custodian.

14 MR. GARREN: We -- we will go to the court
15 and get an order. If you're standing on the objection not
16 to produce somebody who can talk about the documents,
17 whether they exist, how they exist, how long they've
18 existed, and you're refusing to produce somebody to talk
19 about that, then we need to go to the court.

20 MS. MANN: Okay. I understand your
21 position.

22 MR. GARREN: Okay. Now, why don't we just
23 go ahead and conclude this today? We'll take it to the
24 court and get somebody. That way, I'm not going to waste
25 any more of this lady's time, and I expect her to be able

Page 73

1 MS. HILL: She testified where the growers
2 are from.

3 MR. GARREN: Right.

4 MS. HILL: That include other watersheds.

5 MS. MANN: That's right. I mean it's -- I
6 mean, you can go through and ask her, but I mean it's --

7 MR. GARREN: Okay. Let's -- let me finish
8 what I can with her for today. She may have to come back.
9 We'll just see.

10 MS. MANN: We'll see.

11 Q. (Mr. Garren continued.) With regard to where we
12 left off a few minutes ago, Miss Roe, the vouchers by type
13 and number, what do those documents tell us?

14 A. It depends on what type of voucher you're talking
15 about, what those --

16 Q. All right.

17 A. -- documents tell you.

18 Q. All right.

19 A. Tell me.

20 Q. How many types of vouchers are there?

21 A. There's -- you have a poult voucher, you have a live
22 condemned voucher -- or live poultry, and then you have a
23 condemned voucher, you have feed vouchers, you have
24 medication vouchers, and there's another category for
25 miscellaneous vouchers, like for litter.

19 (Pages 70 to 73)

1 Q. Okay. Let's talk about the ones that you've
2 identified.
3 A. Okay.
4 Q. The live poult, what does that document tell me?
5 A. The live poultry voucher is the live scale tickets
6 from the plant for each grower put in -- keyed into the
7 system and they put in a voucher, and we file it by
8 voucher.
9 Q. All right. And that live poult voucher is going to
10 tell me how many birds were brought to the plant for
11 processing from the grower's facility. Is that what
12 you're telling me?
13 A. It will give you a head count of what was processed,
14 the weight of what was brought into the plant.
15 Q. Okay. And that's brought in from the grower's
16 facility. Correct?
17 A. Yes.
18 Q. All right. And then the condemned is going to be
19 birds lost during the processing that the -- that the
20 grower gets credit for?
21 A. The condemned would be the USA -- USDA certificate
22 information.
23 Q. Okay. And does the grower get credit for those when
24 they're condemned, or does he lose credit for those?
25 A. It depends if it's a grower condemned or a plant

1 Q. All right. Does the TSF system then create a report
2 that is unique to a grower for each of these categories,
3 for condemned, for medication, and miscellaneous?
4 A. There is reports that can be generated out of TFS
5 with information on it, yes.
6 Q. Okay. That information on it is geared to a single
7 grower so that all of that information would be needed in
8 order to calculate the final payment, would it not?
9 A. It's to a -- to a certain flock for that grower.
10 Q. Correct.
11 A. So it's the flock, not necessarily just to that
12 grower because the grower has many flocks.
13 Q. Okay.
14 A. So it's more towards the flock number within that --
15 Q. And that --
16 A. -- grower.
17 Q. Within that grower.
18 A. Yes.
19 Q. All right. Now, you indicated there -- indicated
20 there was a litter voucher. What is that?
21 A. We provide litter for the brood barns, and we just
22 pay for it, and we voucher it up so we know what that
23 flock cost -- or what that litter cost was internally.
24 Q. Is that the only grower you provide litter for, the
25 brood barns?

1 condemned issue.
2 Q. All right. And who makes that determination?
3 A. The USDA on the certificate.
4 Q. Okay. And that would be contained on the document
5 you identified as the condemned voucher?
6 A. The actual USDA condemned certificate is put inside
7 that voucher, and we key it into the system, and a grower
8 gets a copy of it. Yes.
9 Q. Okay. And the medication voucher, that's for all --
10 is that -- well, let me -- rather than me just assuming.
11 Tell me what's contained on the medication voucher.
12 A. The medication voucher is medication tickets coming
13 in from the flocks service men or service people.
14 Q. Okay.
15 A. Into --
16 Q. And that's for medication used in the growing of the
17 birds?
18 A. That is medication or supplies given out to that
19 grower for the use of the flock.
20 Q. All right. And it's tied to that flock and that
21 grower, then. Is that correct?
22 A. The voucher -- I mean, the ticket is tied to that
23 grower, but it's within a voucher with many growers in it.
24 Q. Okay.
25 A. And we key in each ticket.

1 A. The brood barns are the only litter we provide to
2 the growers.
3 Q. All right. And then the miscellaneous voucher, what
4 would -- what information would be contained on the
5 miscellaneous voucher?
6 A. Like the fuel payments, we actually voucher them up
7 because we consider it part of the flock cost. So to get
8 our total flock cost internally, we would voucher up the
9 fuel payments.
10 Q. Anything else under miscellaneous?
11 A. There may be different circumstances, but I can't
12 think -- you know, think of another one that would be a
13 good example besides the brood field for now.
14 Q. Did Miss Smith search herself at the Springdale
15 office for documents?
16 A. What do you mean by "search"?
17 Q. Well, did she come into the office at Springdale and
18 say, "I need certain records"?
19 A. I provided them with a list of records that I
20 believed to be in storage and on the sites. And they went
21 through that list and came back to me and said, "We would
22 like these records here."
23 Q. All right. Let's start -- identify the list that
24 you prepared. What is -- what --
25 A. It was just a list of all the boxes and all the

1 records we had on site.
 2 Q. Does that list still exist?
 3 A. I believe it does, yes.
 4 Q. All right. And is it in your possession or control?
 5 A. I have a paper form of what I had written down when
 6 I went down to storage myself to see what was contained in
 7 storage.
 8 Q. Okay.
 9 A. But I do not know if I have it electronically.
 10 Q. All right.
 11 A. They may have it electronically, I do not know.
 12 Q. All right. You do at least have a hard copy of it?
 13 A. Hand written.
 14 Q. Hand written. And that list is identifying those
 15 documents in storage. Does it also identify documents at
 16 the Springdale office?
 17 A. No, it will not.
 18 Q. Okay. Did they obtain documents out of the
 19 Springdale office, meaning either Miss Sperrazza -- or
 20 either -- or Ms. Smith?
 21 A. Yes, we did.
 22 Q. All right. How did they know to look for documents
 23 there?
 24 A. When they came to visit, they asked what documents
 25 were there on site.

1 Q. Okay. And once they asked what was on site, what
 2 did they do?
 3 A. They would request, "Okay, we -- we would want these
 4 documents here."
 5 Q. And then who pulled the documents for them?
 6 A. One of those three would pull the documents and put
 7 them in boxes.
 8 Q. All right.
 9 A. And label the boxes, and they kept records of it.
 10 Q. Did you have a list of the documents that are kept
 11 at the Springdale office similar to what you had for the
 12 storage office?
 13 A. No, I did not.
 14 Q. And so that I'm clear, no list was made of the
 15 documents that they took out of the Springdale office. Is
 16 that correct?
 17 A. Not by me, no.
 18 Q. All right. And you don't know if they made a list
 19 or not of the documents taken from Springdale?
 20 A. I believe they did record.
 21 Q. What they took?
 22 A. In the boxes.
 23 Q. All right. And what makes you believe that?
 24 A. They were labeling the boxes, putting their stickers
 25 on the boxes so they knew.

1 Q. And so that I'm clear, within the Springdale office,
 2 did the same people return the documents and put them back
 3 into the filing cabinets from which they came originally?
 4 Or did you or someone under your direction do that?
 5 A. No. When they returned to the office, they -- the
 6 girl from Oklahoma came and returned the documents.
 7 Q. Now that you've --
 8 A. To the place.
 9 Q. All right. She put them back into the filing
 10 cabinet where they belonged?
 11 A. Yes.
 12 Q. All right.
 13 A. Yes.
 14 Q. Does Cargill require any kind of poultry waste
 15 documentation to be maintained by the grower?
 16 A. I do not know.
 17 Q. Are you familiar with any kind of documents that
 18 deal with poultry waste produced by the Cargill growers?
 19 A. No, I do not.
 20 Q. Does Cargill require a grower to maintain nutrient
 21 management plans?
 22 A. I know there are nutrient management plans. I do
 23 not know if Cargill requires them to keep them.
 24 Q. To your knowledge, do you have either -- at any
 25 location that you have responsibility over, access to

1 nutrient management plans of Cargill growers?
 2 A. No, I do not.
 3 Q. Have you seen nutrient management plans within your
 4 offices at Springdale?
 5 A. No, I have not.
 6 Q. Have you seen them within the storage facility at
 7 Northwest Arkansas Bonding?
 8 A. No, I have not.
 9 Q. And so do you know whether or not they are
 10 maintained at all by Cargill?
 11 A. No, I do not.
 12 Q. What is the nearest office for Cargill that is
 13 similar in nature to the office that you operate in
 14 Springdale?
 15 MS. MANN: Objection. Asked and answered.
 16 MR. GARREN: It hasn't been. She's answered
 17 the hatchery, she's answered --
 18 MS. MANN: You can go ahead and answer.
 19 MR. GARREN: -- a processing plant.
 20 Q. (Mr. Garren continued.) But you don't do processing
 21 in your offices there, do you?
 22 A. No.
 23 Q. You maintain records with regard to operation of the
 24 growers. Correct?
 25 A. Correct.

1 Q. Where is the next closest facility that retains
2 records similar to what you have in Springdale?
3 A. California, Missouri.
4 Q. Are you aware if there is any type of environmental
5 office or environmental department for Cargill?
6 A. No, I'm not sure that -- no.
7 Q. So you're not aware of --
8 A. No.
9 Q. -- of there being such an office?
10 A. I mean -- no.
11 Q. All right. Are you aware of any type of office or
12 department within Cargill that deals with poultry waste?
13 A. No, I'm not.
14 Q. Are you familiar with any type of office or
15 department or division of Cargill that deals with
16 fertilizers?
17 A. No, I'm not.
18 Q. Are you aware of any office division of Cargill or
19 department that deals with research relative to growing
20 operations?
21 A. No, I'm not.
22 Q. Are you familiar with any office department or
23 division that is a laboratory that does any kinds of
24 scientific analysis?
25 A. No, I'm not.

1 Q. Are you aware of any office division or department
2 of Cargill that deals with public relations?
3 A. I do believe Cargill has a public relations
4 department, but I'm not -- I don't have any --
5 Q. You don't deal with it?
6 A. No.
7 Q. Do you know where it's located?
8 A. No.
9 Q. Do you know the person that might be in charge?
10 A. No.
11 Q. Anybody that works within that department?
12 A. No.
13 Q. Are you aware of whether or not any water quality
14 documents are maintained in the Springdale office area?
15 A. No, I'm not.
16 Q. Do you know whether or not Cargill tests for water
17 quality for water that's being delivered to the birds in
18 the grow out?
19 A. No, I'm not.
20 Q. Have you ever seen any such water quality tests or
21 analysis?
22 A. No, I haven't.
23 Q. Do you know whether or not Cargill requires a water
24 quality test for a grower before they grow for Cargill?
25 A. No, I don't.

1 Q. You don't have any knowledge sitting here today
2 whether or not all responsive documents to Exhibit 1 were,
3 in fact, pulled and copied, do you?
4 A. No, I don't.
5 Q. How does Cargill refer to your office? Is it a
6 region? Is it an area, a particular location that they
7 refer to it as?
8 A. It's the other Springdale location.
9 Q. Does it -- does it have responsibilities -- let me
10 ask this.
11 Are the responsibilities of the Springdale location
12 limited geographically?
13 A. I guess -- what do you mean by "limited
14 geographically"?
15 Q. I mean, you don't do any work for Cargill operations
16 in Missouri?
17 A. No.
18 Q. Do you do any work for Cargill operations in
19 Georgia?
20 A. No.
21 Q. Or in Minnesota?
22 A. No.
23 Q. Okay. So I'm looking for the scope of the
24 limitations that you do in your work on a daily routine.
25 All right? And -- in my questions.

1 A. Okay.
2 Q. So do you know whether or not there are
3 environmental documents that are used by Cargill that
4 refer to the general location or area of responsibility
5 for the Springdale offices?
6 A. No, I don't.
7 Q. Please identify for me, if you would, the persons
8 who work in the Springdale offices, starting with the
9 person you consider to be the top -- or the -- or the most
10 senior officer, down to where you've identified your own
11 position.
12 A. When you talk about Springdale office, you're just
13 talking about the LLC?
14 Q. Let me ask it this way.
15 A. Okay.
16 Q. Is there an office for the Cargill, Inc. in addition
17 to the office for the LLC in Springdale?
18 A. No.
19 Q. Okay. Let's make it easier. Is there a single
20 building that houses the people that work for Cargill in
21 Springdale?
22 A. No.
23 Q. I'm talking about clerical people, people who work
24 in office work.
25 A. No.

1 Q. Okay. So people that -- that we've talked about the
2 hatchery, we've talked about the processing plant, are you
3 including those then, their offices located within those
4 facilities?
5 A. They're in separate facilities, yes.
6 Q. Okay. Let's just -- let's start over and make it
7 real simple.
8 A. Okay.
9 Q. You have an office in Springdale. Is that correct?
10 Is it one building or more than one building?
11 A. There's two buildings in Springdale.
12 Q. All right. Tell me what each building is called.
13 A. Well, there's the plant and there's the feed mill.
14 Q. Plant and the feed mill.
15 A. Yes.
16 Q. Where are you physically located?
17 A. The feed mill.
18 Q. Okay. Is there any other location within Springdale
19 besides the plant or the feed mill?
20 A. There is a sales office that deals with Wal-Mart.
21 Q. Is there any other facility besides those three that
22 you've mentioned that deals with Cargill's work or
23 business?
24 A. Not that I'm aware of.
25 Q. All right. Let's start with the feed mill since

1 that's where you're located. Tell me who are the people
2 that work in the feed mill, starting with the most senior
3 person, down to your position.
4 A. Well, senior would be the grow out manager.
5 Q. And the grow out manager is who?
6 A. Jason Witt.
7 Q. Witt?
8 A. Witt, W-I-T-T.
9 Q. All right. Besides Jason Witt, who else is there?
10 A. You have the feed mill manager.
11 Q. And his name or her name?
12 A. Gary McGarrah.
13 Q. I assume that's M-C-G-A-R-R-A-h?
14 A. Yes.
15 Q. Who else is located at the feed mill office?
16 A. You have the feed mill production workers.
17 Q. And are they hourly or salaried?
18 A. I believe most of them are hourly. You have my
19 staff.
20 Q. And that's the people that you've already identified
21 today?
22 A. Yes.
23 Q. The seven people that work under you?
24 A. The five people.
25 Q. Okay.

1 A. One was at Ozark, one was at Gentry.
2 Q. One's at Ozark and one's at Gentry.
3 A. Yes.
4 Q. Okay. The five that work under you. All right.
5 Anyone else located at the feed mill office?
6 A. You have myself --
7 Q. Correct.
8 A. -- of course. You have the merchant.
9 Q. What is the merchant?
10 A. Ron -- he orders ingredients or does contracts on
11 ingredients.
12 Q. And that person is?
13 A. Ron Rone.
14 Q. Rode?
15 A. Rone, R-O-N-E.
16 Q. All right.
17 A. And then you have the assistant to the merchant.
18 Q. And that person's name?
19 A. Kathy Moseley.
20 Q. Anyone else?
21 A. You have the veterinarian.
22 Q. Is that a veterinarian that's on staff?
23 A. Yes.
24 Q. All right.
25 A. And his name is Brian Wooming.

1 Q. Spell the last name, if you would.
2 A. W-O --
3 Q. Or first name, too.
4 A. Oh, Brian, B-R-I-A-N.
5 Q. All right.
6 A. And Wooming, W-O-O-I-N-G, I believe. M-I-N-G, I
7 guess. I'm sorry.
8 Q. Wooming?
9 A. Yeah. I believe that's it.
10 Q. Okay. Is there anyone else at the feed mill?
11 A. I'm trying to remember here. We have a trainee for
12 the feed mill manager.
13 Q. A trainee?
14 A. A trainee. I don't know if she has a different
15 title or not. And her name is Heather Allen.
16 Q. Is there a plan of succession that she's moving into
17 that position as feed mill manager?
18 A. I would not know.
19 Q. Okay. And is she being trained under Gary McGarrah?
20 A. Yes.
21 Q. All right. Anyone else at the feed mill?
22 A. The service people are housed there but they're
23 mostly in the field.
24 Q. And these are the -- the service people who deal
25 directly with the growers?

1 A. Yes.
 2 Q. And what is the title or position that they're
 3 referred to? Service people or --
 4 A. Service people, service person.
 5 Q. Okay. How many of them are there?
 6 A. There's approximately six.
 7 Q. All right. We don't need to name them. Any other
 8 persons working at the feed mill?
 9 A. That, I think, covers all the ones I can think of at
 10 this time.
 11 Q. Okay. Other than hourly people, have you covered
 12 everybody that would at least be salaried people?
 13 A. In the feed mill, I believe so, yes.
 14 Q. All right. Do you know what kind of documents that
 15 the grow out manager deals with on a daily basis?
 16 A. No, I do not.
 17 Q. Do you know what kind of documents he might review
 18 or keep in his possession?
 19 A. No, I do not.
 20 Q. Do you know what kind of documents the feed mill
 21 manager would use or keep in his possession?
 22 A. Not -- no.
 23 Q. Is the accounting information that is within your
 24 position or control pretty much limited to the Springdale
 25 operation?

1 A. Yes, it is.
 2 Q. Do you have access to information with regard to
 3 Cargill, Inc., other than the Springdale operation?
 4 A. No.
 5 Q. Do you have access to financial records of Cargill
 6 Turkey Production, LLC, other than that which is generated
 7 at the Springdale offices?
 8 A. Yes.
 9 Q. And what kind of documentation do you have access
 10 to?
 11 A. Just the monthly P&Ls that are similar to our
 12 location.
 13 Q. Okay. Monthly P&Ls similar to your location,
 14 meaning those located elsewhere in the United States?
 15 A. Within the same Cargill Turkey Productions, LLC.
 16 Q. Okay.
 17 A. Like California, Missouri, yes.
 18 Q. Okay. But it's not limited to just the one in
 19 Missouri, is it?
 20 A. No.
 21 Q. Okay. Do you have an estimate of how many different
 22 locations similar to yours or California, Missouri, that
 23 you have access to in those financial records?
 24 A. We have four -- four total locations.
 25 Q. All right. Give me the name of the other two then.

1 A. Harrisonburg, Virginia, and Waco, Texas.
 2 Q. Okay. Let's now talk about the processing plant.
 3 Who is the most senior officer located there?
 4 A. The plant manager.
 5 Q. And do you know what kind of documents or records
 6 the plant manager would retain or use in his operation?
 7 A. No, I do not.
 8 Q. Okay. Who would be under the plant manager, then?
 9 A. I -- I really don't know who all reports to him in
 10 production-wise over there.
 11 Q. Okay. Are you familiar what documents or records
 12 they maintain at the plant?
 13 A. No, I don't.
 14 Q. Do you know anyone else besides -- well, do you know
 15 the name of the plant manager?
 16 A. Paul Lawrence.
 17 Q. Do you know anyone else that works at the plant that
 18 might be a salaried person?
 19 A. Related to the plant operations?
 20 Q. Yes.
 21 A. The controller. The plant controller.
 22 Q. And his name?
 23 A. Carl West.
 24 Q. Carl West?
 25 A. Yeah.

1 Q. Is that with a C or K, if you know?
 2 A. C.
 3 Q. Do you know what kind of documents he would use in
 4 his work or have in his possession?
 5 A. No, I don't.
 6 Q. Do you know who else would be at the plant --
 7 processing plant that might be a salaried person?
 8 A. As -- senior person?
 9 Q. Someone other than just hourly help.
 10 A. Help. I mean, there's a lot of -- I mean, salaried
 11 people at the plant. I don't know what all their duties
 12 are or what all their names may be.
 13 Q. Do you know what kind of records they keep at the
 14 processing plant at all?
 15 A. No, I don't.
 16 Q. Is your access to documents or records created out
 17 of the processing plant limited to those that are in
 18 electronic format and like the TSF system?
 19 A. Ask that one more time. I'm sorry.
 20 Q. Let me ask it this way. Do you receive any hard
 21 copy documents from the processing plant that you use in
 22 your Springdale offices?
 23 A. Yes. We do.
 24 Q. Okay. And those are?
 25 A. The USDA condemn certificates.

Deposition of Brenda Roe - Taken March 26, 2007

Page 94

1 Q. The ones that you've already described?
 2 A. Described, yes, from the plant.
 3 Q. Do you rely on any electronic documents that are
 4 generated at a processing plant in your work at Springdale
 5 offices?
 6 A. They e-mail us grade for the day.
 7 Q. Referring to what?
 8 A. The A grade of the turkeys that ran through the
 9 plant. They e-mail us that, and we put that into our TFS
 10 system.
 11 Q. Okay. Do they give you any other information that
 12 you input into the TSF system?
 13 A. No, they don't. Not that I've already mentioned.
 14 Q. What do you do with e-mail after you receive that
 15 information and keyed it in?
 16 A. We print out the A grade and put it within the
 17 voucher that we key that information to.
 18 Q. And is that kept for records?
 19 A. It's -- it's within the condemned voucher.
 20 Q. Okay.
 21 A. And keep -- kept with that.
 22 Q. Can you think of anyone else who is a salaried
 23 person over at the plant that you haven't named besides
 24 the two, Mr. Lawrence and Mr. West, considered to be a
 25 senior --

Page 96

1 sales office?
 2 A. No, I'm not.
 3 Q. So you don't know who's in charge there?
 4 A. No.
 5 Q. Do you ever deal with that office in any way?
 6 A. No.
 7 Q. Do you know whether or not anybody at the Springdale
 8 office deals directly with the sales office?
 9 A. I do not know.
 10 Q. Do you have any idea what kind of documents are
 11 generated from the sales office?
 12 A. No, I don't.
 13 Q. And I'm going to assume that you don't have any
 14 documents that you're responsible for that come from the
 15 sales office. Is that correct?
 16 A. That's correct.
 17 Q. Do you know whether or not Cargill uses any
 18 consultants in operation dealing with or from the
 19 Springdale offices?
 20 A. As far as consulting for what?
 21 Q. Anything that they have to do over there?
 22 MS. MANN: Objection. Vague and ambiguous.
 23 You can answer, if you know.
 24 THE WITNESS: I -- I don't know.
 25 Q. (Mr. Garren continued.) Okay. You're not aware of

Page 95

1 A. Senior --
 2 Q. -- officer?
 3 A. -- officer. I mean, you have the live haul manager
 4 over there.
 5 Q. Live haul manager?
 6 A. Yes.
 7 Q. His name?
 8 A. Actually I guess they refer it to -- the live haul
 9 catching manager, it's now Lon Clearly -- or Clear -- I
 10 don't know how you spell his last name. It's Clear --
 11 Cleary, I think.
 12 Q. And Lon?
 13 A. Lon, L-O-N.
 14 Q. All right.
 15 A. And there's also the feed mill manager -- or the
 16 feed haul manager.
 17 Q. And who is that?
 18 A. Roger Wright.
 19 Q. Do you know what documents the live haul manager or
 20 catching -- live haul catching manager deals with?
 21 A. No, I don't.
 22 Q. Do you know what documents the feed haul manager
 23 would deal with?
 24 A. No, I don't.
 25 Q. All right. Are you familiar with the people in the

Page 97

1 any third party consultants that are utilized by the
 2 Springdale offices, is what you're telling me?
 3 A. As far as what -- I --
 4 Q. Do you understand what a consultant is, ma'am?
 5 A. I guess I would have to have clarification.
 6 Q. Somebody that is not an employee of Cargill that is
 7 paid either hourly or on a contract to give advice to or
 8 assistance to Cargill.
 9 A. I'm going to say I still don't know if they use
 10 outside consultants.
 11 Q. Okay. Do you have the need to refer to any outside
 12 consultants in your work?
 13 A. As far as consulting, no.
 14 Q. Do you have any people that audit your work?
 15 A. We are subject to audit, yes.
 16 Q. Okay. Have you been audited?
 17 A. Yes.
 18 Q. Is that auditor an employee of Cargill or Cargill
 19 Turkey Production, LLC?
 20 A. No.
 21 Q. Okay. So it's a third party auditor?
 22 A. It would be.
 23 Q. And do you know for whom they work?
 24 A. The packers and the stock yard.
 25 Q. Okay. And do they create documents?

25 (Pages 94 to 97)

Deposition of Brenda Roe - Taken March 26, 2007

Page 98

1 A. I do not -- yes, we did get a document from them.
 2 Q. Okay. Where are those documents retained?
 3 A. I don't know where they would be retained.
 4 Q. Okay. What kind of document do they create and give
 5 to you or Springdale?
 6 A. There was a letter created and sent out to us.
 7 Q. All right. Is that all they do is create a letter?
 8 A. I do not know.
 9 Q. Okay. Do you deal with them in your business at any
 10 time?
 11 A. Only when they request something.
 12 Q. Okay. So your answer is yes, you do?
 13 A. Yeah.
 14 Q. All right. What do they request of you when they do
 15 an audit?
 16 A. It depends what they're coming to look at and audit.
 17 Q. Give me an example in your experience, what have
 18 they requested in the past?
 19 A. The prime cost files and the -- a copy of the
 20 contract.
 21 Q. Okay. Any other files that they deal with, as far
 22 as you know that you have responsibility over?
 23 A. They -- they would look at the vouchers related to
 24 the prime cost, the information in the prime cost.
 25 Q. Okay.

Page 99

1 A. Like the weight tickets and stuff like that from the
 2 field.
 3 Q. Who is responsible for dealing with those auditors
 4 when they come to do work?
 5 A. Multiple people.
 6 Q. Okay. Do you have any direct responsibility or is
 7 it just simply to gather documents for them to look at?
 8 A. I would gather documents for them to look at and
 9 answer any questions pertaining to those documents that I
 10 provided them that comes out of my office.
 11 Q. Okay. And you don't know who would deal with them
 12 -- who was responsible for dealing with them -- who has
 13 the primary responsibility in dealing with auditors?
 14 A. Dealing with them?
 15 Q. Yes. Do you know who that person would be?
 16 A. No. I mean it -- it would be several people,
 17 depending on what they wanted.
 18 Q. Would the grow out manager have any responsibility
 19 to deal with them?
 20 A. If they had questions related to his department,
 21 yes.
 22 Q. Do you know whether or not they ever have in your
 23 experience?
 24 A. They did consult them when they were down.
 25 Q. Do you know whether or not they've ever consulted

Page 100

1 with the feed mill manager, to your knowledge?
 2 A. Yes, they have.
 3 Q. Do you know whether they've ever consulted with the
 4 plant manager?
 5 A. He -- the plant manager, yes, was in the meeting.
 6 Q. All right. And the plant controller? Have they
 7 ever consulted with him, to your knowledge?
 8 A. I do not know. Not to my knowledge.
 9 Q. Do you have any knowledge of whether they've
 10 consulted with the live haul manager?
 11 A. I don't -- I do not know.
 12 Q. Do you know whether or not they've ever consulted
 13 with Dennis Fulbright?
 14 A. I do not know. The letter was addressed to Wichita
 15 to Dennis Fulbright, so, I mean, if that's --
 16 Q. So you can assume they've had some contact with him?
 17 A. Either through mail, yes, through the letter.
 18 Q. How did you come to see the letter? Was it copied
 19 to you by someone else?
 20 A. Yes. It was sent to me by Dennis.
 21 Q. All right. Were you given any instructions of files
 22 not to produce or documents that were -- were the
 23 instructions from Miss Smith at any time limited in the
 24 sense that were you told to exclude certain documents?
 25 A. No.

Page 101

1 Q. Were the instructions from Miss Sperrazza limiting
 2 or in a way that excluded documents?
 3 A. No.
 4 Q. Let me hand you what's been marked -- let's see. Is
 5 that the original? That's a copy. Let me see, did I
 6 refer to this as the -- okay. That's the request. Here
 7 we go. Let me hand you what's been marked as Exhibit No.
 8 2 and ask you whether or not you've ever seen that
 9 document?
 10 (Wherein, Exhibit 2 was marked.)
 11 The document is entitled Cargill Turkey Production,
 12 LLC's Response to State of Oklahoma's July 10th, 2006 Set
 13 of Request For Production to Cargill Turkey Production,
 14 LLC. Have you ever seen this document before?
 15 A. And this document is the same as this document?
 16 Q. No, they're not, ma'am. They're different. They're
 17 different. Exhibit 2 is different from Exhibit 1. Have
 18 you ever seen Exhibit 2?
 19 A. I know they showed me a couple of documents. One
 20 was Cargill, Inc., and one was Cargill Turkey Productions,
 21 but I can't say if this was the exact document this
 22 morning that they showed me.
 23 Q. All right. Let me hand you what's been marked as
 24 Plaintiff's Exhibit -- or Exhibit No. 3 and ask you
 25 whether or not you have seen that document?

26 (Pages 98 to 101)

Deposition of Brenda Roe - Taken March 26, 2007

Page 102

1 (Wherein, Exhibit 3 was marked.)
 2 A. My response would have to be the same. I know they
 3 showed me one of the documents today -- or two documents
 4 today. One said Cargill, Inc., one said Cargill Turkey
 5 Productions, LLC.
 6 Q. All right.
 7 A. And I didn't, you know, read over it or anything,
 8 but it looked like these documents.
 9 Q. Okay. Did you, ma'am, in any way assist in the
 10 preparation of any answers to a request for document?
 11 A. No.
 12 Q. And that would be for either Cargill or Cargill
 13 Turkey Production. Is that correct?
 14 A. That is correct.
 15 Q. When Miss Smith was here and Miss Sperrazza was
 16 here, do you know whether or not they were granted access
 17 to any personal files or records of any of the people that
 18 work in the Springdale offices, including the plant or the
 19 feed mill?
 20 A. I did refer them to people when they asked
 21 questions, but if they retained records from them or not,
 22 I do not know.
 23 Q. Okay. So you don't know whether or not they
 24 acquired documents from people separate and apart from the
 25 documents you gave them or directed them to. Is that

Page 104

1 correct?
 2 A. That's correct.
 3 Q. Do you know where he is?
 4 A. He is still with the company. He's getting ready to
 5 retire.
 6 Q. He's getting ready to retire?
 7 A. Yes.
 8 Q. All right. Do you know where he's officing now?
 9 A. He's actually at the plant, yes.
 10 Q. Gary McGarrah, he's in which facility?
 11 A. The feed mill.
 12 Q. Tim Alsip is located where?
 13 A. His office is at the plant.
 14 Q. And his title or position?
 15 A. I am not sure what his title is.
 16 Q. And is it Rich or Rick McKee?
 17 A. Rick McKee.
 18 Q. And where is he located?
 19 A. He was live haul manager. He's no longer with
 20 Cargill.
 21 Q. Do you know where he is today?
 22 A. Yes.
 23 Q. Where is he located now?
 24 A. He is going to be a grower for us in Ozark.
 25 Q. Grower for who?

Page 103

1 correct?
 2 A. That's correct.
 3 Q. But they did make inquiry about certain people
 4 having documents?
 5 A. Of certain documents, and I would tell them who --
 6 Q. Might have --
 7 A. -- probably would have the documents they were
 8 looking for.
 9 Q. Okay. Can you remember who the people were that you
 10 would have referred them to?
 11 A. At the time they came, it would have been Jim Ward.
 12 Q. Jim Ward?
 13 A. Uh-huh.
 14 Q. All right.
 15 A. Gary McGarrah would have been one of them. Tim
 16 Alsip could have been one of them.
 17 Q. Tim Alsip?
 18 A. Yeah.
 19 Q. Okay.
 20 A. And then Rick McKee could have been one of them.
 21 But I would think that -- you know, to my knowledge that's
 22 the ones I can think of at the time.
 23 Q. What is Jim Moore's position or title?
 24 A. At that time, it was grow out manager.
 25 Q. And he's no longer in that position now. Is that

Page 105

1 A. Us. Cargill.
 2 Q. Oh. Cargill.
 3 A. Through the production, yes. Sorry.
 4 Q. You referred to Ozark. As in Ozark --
 5 A. That's where -- where the farm is located.
 6 Q. Okay. Near --
 7 A. Ozark, Arkansas.
 8 Q. All right.
 9 A. Yeah. Sorry.
 10 Q. Were you asked to search for any e-mails that might
 11 have been printed?
 12 A. As far as referring to what?
 13 Q. Any e-mails. Were you requested to search out and
 14 look for or identify any e-mails to produce to Miss Smith
 15 or Miss Sperrazza or the other Jennifer Barrett --
 16 A. Not personally, no.
 17 Q. Do you know whether or not they requested and
 18 obtained any printed e-mails when they were gathering
 19 documents?
 20 A. No, I do not.
 21 Q. Were you requested to identify any confidential
 22 documents that are considered confidential by Cargill
 23 Turkey Productions or Cargill, Inc.?
 24 A. I wasn't asked to identify any confidential
 25 documents.

27 (Pages 102 to 105)

1 Q. Were you asked to identify any proprietary or trade
 2 secret documents for either Cargill, Inc. or Cargill
 3 Turkey Production?
 4 A. I was not asked to identify any, no.
 5 Q. As far as you know, during your time being in the
 6 Springdale offices, have you complied fully with the
 7 document retention policy?
 8 A. Yes.
 9 Q. Have you been specifically requested as a result of
 10 this lawsuit or any other lawsuit to retain documents
 11 because of the lawsuit?
 12 A. All the documents, as far as our facility is
 13 concerned, are on hold.
 14 Q. All right. And when were you told to do that?
 15 A. They have been on hold, as far as I can remember,
 16 since I've been there.
 17 Q. Okay. Are you familiar with any other third party
 18 document repository other than what you've described in
 19 your testimony today?
 20 A. No, I don't.
 21 Q. To your knowledge, has any other person destroyed
 22 documents?
 23 A. No.
 24 MS. MANN: Objection. Misstates prior
 25 testimony, but --

1 MR. GARREN: Well, I've asked -- she told me
 2 that she didn't destroy any documents.
 3 Q. (Mr. Garren continued.) My question to you is, do
 4 you know of any person destroying any documents since
 5 you've been there?
 6 A. Not that I -- I mean, not that I'm aware of.
 7 Q. Okay.
 8 A. I mean, I don't know.
 9 Q. Do you know whether or not there are any documents
 10 such as maps or driving directions to growers' facilities?
 11 A. Yes.
 12 Q. And did you direct Miss Sperrazza and Miss Smith to
 13 those documents?
 14 A. I don't recall. The driving directions, I mean, we
 15 have a book with driving directions so the drivers know
 16 where they're going.
 17 Q. Where is that book maintained?
 18 A. Within our office.
 19 Q. And do you know whether or not that document was
 20 copied and given to Miss Smith or Miss Sperrazza or Miss
 21 Barrett?
 22 A. I am not sure. I do not know.
 23 Q. How long has that book been in existence to your
 24 knowledge, the book dealing with the driving directions?
 25 A. Since I've been there, it has the current growers in

1 it. It's continuously updated.
 2 Q. Who has access -- let me ask you. Is there more
 3 than one book with driving directions or just a single
 4 book?
 5 A. There -- there's more than one book.
 6 Q. Okay. Let me ask you this. Are there duplicates of
 7 the book that describe the driving directions to all the
 8 growers?
 9 A. We have grower information sheets that we use that
 10 have the driving directions on it, and it's kept
 11 electronically, and people can get to it. And we have
 12 copies of that book for the driver -- I mean, each
 13 individual driver may have a book so they know which farm,
 14 because they may go to a different farm each time they go
 15 out. So there is a bunch of copies of that book
 16 distributed within.
 17 Q. That's what I'm trying to determine. So --
 18 A. Yeah.
 19 Q. But the basic material is kept electronically and is
 20 printed for however many copies are needed for whoever
 21 needs it? Is that a fair statement?
 22 A. That's a fair statement. And updated periodically,
 23 yes.
 24 Q. Do you know who's in charge of updating that -- that
 25 information?

1 A. Yes. Nata Tucker is.
 2 Q. Are there any documents -- well, let me ask. Are
 3 the feed formulas retained at the Springdale offices,
 4 either the feed mill or the plant?
 5 A. Yes, they are.
 6 Q. Who's in charge of the feed formula documentation?
 7 A. Gary McGarrah.
 8 Q. Can you describe to me what the documents look like
 9 that deal with the feed formulas?
 10 A. I've seen them. They just have the ingredients
 11 listed and the percent. I think the pounds that go in to
 12 make that formula.
 13 Q. Do you know whether or not there are records kept of
 14 the historical formulas, if they've changed?
 15 A. I believe that they keep them according to the --
 16 like, I think it's USDA regulations, regulations that
 17 mandate the feed mill.
 18 Q. Okay. Do you know if any other person has
 19 responsibility to deal with or maintain feed formula
 20 records besides Mr. McGarrah?
 21 A. I do not know if she has -- if she retains them.
 22 Kathy Moseley creates them.
 23 Q. Okay.
 24 A. I mean, I don't know if I want to say creates, but
 25 gets the information compiled into the system for an

Deposition of Brenda Roe - Taken March 26, 2007

Page 110

1 amount.
 2 Q. Is the documentation maintained generally
 3 electronically?
 4 A. I don't know.
 5 Q. All right. But you've seen hard copy records that
 6 reflect the feed formula or their ingredients?
 7 A. Yes. Yes.
 8 MR. GARREN: All right. Give me a minute.
 9 I think I'm about done here. Take a break for a second.
 10 (Wherein, a break was taken from 4:23 to 4:30 p.m.)
 11 Q. (Mr. Garren continued.) Miss Roe, I have taken the
 12 Exhibit No. 1 and opened it to Request No. 51 through 53.
 13 A. Okay.
 14 Q. I'd ask you to look at those three requests. After
 15 you've read them, let me know, and we'll ask you some
 16 questions.
 17 (Wherein, witness looks at document.)
 18 A. Okay.
 19 Q. With regard to those three requests, are you aware
 20 of any records that are maintained at the Springdale
 21 offices that would be responsive to those requests?
 22 A. No, I do not.
 23 Q. Are you aware of any records that would be
 24 responsive to Requests 51 through 53 that are maintained
 25 at the feed mill?

Page 111

1 A. No, I'm not.
 2 Q. And are you aware of any records that may be
 3 maintained at the processing plant that would be
 4 responsive to 51 through 53?
 5 A. No, I'm not.
 6 Q. Are you aware of whether or not the hatchery would
 7 have any records that are responsive to Request 51 through
 8 53?
 9 A. No, I'm not.
 10 Q. Just so I'm clear, would the processing plant have
 11 any records responsive to 51 through 53?
 12 A. I would not know.
 13 Q. Okay. Look, if you would, then, at the Request 57
 14 through 59. After you've read it, let me know.
 15 (Wherein, witness looks at document.)
 16 A. Okay.
 17 Q. Do you know whether or not any record that would be
 18 responsive to that request would be located in any of the
 19 Springdale facilities of the plant, the feed mill, the
 20 storage facility?
 21 A. No, I do not.
 22 Q. Do you know where the production -- Turkey
 23 Production, LLC corporate office is located?
 24 A. I believe they consider that Wichita.
 25 Q. And do you know where the corporate office is for

Page 112

1 Cargill, Inc.?
 2 A. I believe they consider that Minneapolis.
 3 MR. GARREN: I have no other questions.
 4 MS. HILL: We'll read and sign.
 5 (Wherein, the deposition ended at 4:15 p.m.)
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Page 113

1 CERTIFICATE
 2 STATE OF ARKANSAS)
 3) ss
 4 COUNTY OF WASHINGTON)
 5 I, CYNTHIA A. DONALD, Certified Court Reporter,
 6 a notary public in and for the aforesaid county and state,
 7 do hereby certify that the witness, BRENDA ROE, was duly
 8 sworn by me prior to the taking of testimony as to the
 9 truth of the matters attested to and contained therein;
 10 that the testimony of said witness was taken by me in
 11 machine shorthand and was thereafter reduced to
 12 typewritten form by me or under my direction and
 13 supervision; that the foregoing transcript is a true and
 14 accurate record of the testimony given to the best of my
 15 understanding and ability.
 16 I FURTHER CERTIFY that I am neither counsel for,
 17 related to, nor employed by any of the parties to the
 18 action in which this proceeding was taken; and, further,
 19 that I am not a relative or employee of any attorney or
 20 counsel employed by the parties hereto, nor financially
 21 interested, or otherwise, in the outcome of this action;
 22 and that I have no contract with the parties, attorneys,
 23 or persons with an interest in the action that affects or
 24 has a substantial tendency to affect impartiality, that
 25 requires me to relinquish control of an original
 deposition transcript or copies of the transcript before
 it is certified and delivered to the custodial attorney,
 or that requires me to provide any service not made
 available to all parties to the action.
 IN WITNESS WHEREOF, I have hereunto set my hand
 and affixed my seal of office this 1st day of March, 2007.
 CYNTHIA A. DONALD, CCR, RPR, LS #183
 NOTARY PUBLIC
 In and for the County of Washington
 State of Arkansas
 My Commission Expires:
 November 5, 2009